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Titles of the Regulations Passed in the Year 1804

Sub. - Law and Legislation

Regulation

Titles of the Regulations

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TITLES

OF THE

REGULATIONS

PASSED IN THE

YEAR 1804.

REGULATION

I.

A REGULATION *for the better management of the invalid jagheer-dar establishments, and of the invalid pension establishments. Passed on the 23d February* 1804.

II.

A REGULATION *for altering the periods of the half yearly jail deliveries in the divisions of Calcutta, Moorshedabad, Patna and Benares, and for providing a quarterly jail delivery in the zillahs of the Twenty-four Pergunnahs, Dacca Jelalpore, and Moorshedabad. Passed on the 23d of February* 1804.

III.

A REGULATION *for providing against resistance to the processes of the zillah criminal courts and police officers, as well as for compelling the appearance of persons charged with acts of a criminal nature, who may abscond, or otherwise evade the process issued*

issued against them; for rendering prosecutions, instituted for the recovery of losses sustained by theft and robbery, cognizable in the courts of civil judicature; and for ascertaining the responsibility in such cases of tehseeldars, of places held khaum; for amending certain parts of Regulation VI, 1803; *for preventing the offence of Dhurna: and for preventing the tribe of Rawjekoomars, killing or causing the death of their female children, in the provinces ceded by the Nawaub Vizier, to the Honorable the English East India Company. Passed on the 8th of March* 1804.

IV.

A REGULATION *for the administration of justice in criminal cases in the zillah of Cuttack. Passed on the 3d May* 1804.

V.

A REGULATION *to provide for the appointment and removal of the native officers of Government in the Judicial, Revenue and Commercial Departments, and in the Departments of Salt, Opium and Customs; also to make further provision for administering the oath prescribed by the Statute* 33, Geo. III. *Cap.* 52. *Passed on the 16th of August* 1804.

VI.

A REGULATION *for rescinding Regulation* XXXIX, 1803, *for establishing rules for levying a duty on the importation and exportation of salt in the provinces ceded to the Honorable Company, by the Nawaub Vizier, in the conquered provinces in the Dooab, and on the right bank of the Jumna, and in the province of Benares; for reducing the rate of duty established by Clause* VI, *of Section* IV, *Regulation* VI, 1801, *on the importation of Salumba and Balumba salt, into the province of Benares; and for withdrawing the prohibition contained in Section* VI *of that regulation, on the manufacture of salt, within the province of Benares. Passed on the 25th of August* 1804.

VII.

REGULATION

VII.

A REGULATION *for determining the rates of duty to be levied under Sections* IV *and* VII, *Regulation* VI, 1804, *on the importation and exportation of salt in the provinces ceded to the Honorable Company by the Nawaub Vizier, and in the conquered provinces, situated within the Dooab, and on the right bank of the river Jumna Passed on the* 15*th October* 1804.

VIII.

A REGULATION *for transferring the zillahs of Allahabad and Goruckpore, from the division of the provincial court of appeal and the court of circuit for the division of the provinces ceded to the Honorable the English East India Company, by the Nawaub Vizier, and for annexing those zillahs to the division of the provincial court of appeal and the court of circuit for the division of Benares. Passed on the* 27*th of November* 1804.

IX.

A REGULATION *for altering the denomination of the court of circuit and the provincial court of appeal for the division of the ceded provinces, for the administration of justice, in criminal cases, in the conquered provinces in the Dooab, and on the right bank of the river Jumna, and in the territory ceded to the Honorable the English East India Company, in Bundlecund by the Peishwah. Passed on the* 14*th December* 1804.

X.

A REGULATION *for declaring the powers of the Governor General in Council, to provide for the immediate punishment of certain offences against the State, by the sentence of Courts Martial. Passed on the* 14*th December* 1804.

XI.

REGULATION *for rescinding Regulation* XXXVIII, 1803, *and for providing rules for the collection of the Government Customs,*

REGULATION.

Customs, in the provinces ceded to the Honorable the English East India Company, by the Nawaub Vizier; and in the conquered provinces situated within the Dooab and on the right bank of the river Jumna, including the territory in Bundlecund, ceded to the Honorable the English East India Company by the Peishwah. Passed on the 14th December 1804.

BENGAL SECRETARIAT LIBRARY

A. D. 1804. REGULATION II.

A REGULATION *for altering the periods of the half yearly jail deliveries in the divisions of Calcutta, Moorshedabad, Patna, and Benares; and for providing a quarterly jail delivery in the zillahs of the twenty-four Pergunnahs, Dacca Jelalpore, and Moorshedabad.*—PASSED *by the Governor General in Council, on the* 23*d of February* 1804; *corresponding with the* 13*th Phaugun* 1210 *Bengal era; the* 28*th Phaugun* 1211 *Fusly; the* 13*th Phaugun* 1211 *Willaity; the* 13*th Phaugun* 1860 *Sumbut; and the* 11*th Zekaad* 1218, *Higeree.*

BY Section III, Regulation III, 1797, the courts of circuit established in the provinces of Bengal, Behar, and Benares, have been directed to commence their circuits for the jail deliveries of the zillahs within their respective divisions, on the 1st March, and 1st October, of each year, except in the Dacca division; in which

which, from local circumſtances, the commencement of the half yearly circuit is ordered to be on the 1ſt January, and 1ſt July. Under this rule, the intervals between the circuits, in the diviſions of Calcutta, Moorſhedabad, Patna, and Benares, being unequal, viz. ſeven months and five months; the priſoners committed for trial, in the ſeveral zillahs of thoſe diviſions, are liable to be kept in confinement, before they are brought to trial, for very unequal periods; and this inequality is further increaſed by the accumulation of trials, in each zillah, during the longer interval; whereby alſo the buſineſs and duration of the two circuits are rendered altogether diſproportionate; and in ſome inſtances the buſineſs of the ſecond circuit has not been completed before the arrival of the period for the enſuing circuit. To provide, therefore, for the future commencement of the circuits in the above diviſions at an equal, half yearly, period; as well as for a quarterly jail delivery in the zillahs of the twenty-four Pergunnahs, Dacca Jelalpore, and Moorſhedabad, which are contiguous to the ſtations of the courts of circuit, in whoſe diviſions theſe zillahs are ſituated; and alſo to make further proviſion for any future alteration which may be found neceſſary, or expedient, in the periods now fixed for holding the jail deliveries of the ſeveral zillahs and cities reſpectively; His Excellency the Moſt Noble the Governor General in Council, has enacted the following regulation, to take immediate effect in the province of Bengal; and to be in force, in the provinces of Behar, and Benares, after the completion of the firſt circuit, under the exiſting regulations, for the current year, viz. from the 1ſt June in the former province, and from the 1ſt July in the latter.

Clauſe Firſt, Section III. Regulation III, 1797, reſcinded.

II. Clauſe Firſt, of Section III, Regulation III, 1797, is hereby reſcinded.

When the circuits for the Calcutta, Moorſhedabad, Patna, and Benares diviſions are to commence.

III. The circuits for the diviſions of Calcutta, Moorſhedabad, Patna, and Benares, ſhall hereafter commence at the following half yearly periods: which have been fixed with reference to the con-

convenience of the judges, profecutors, and witneſſes, in the reſpective diviſions:—

CALCUTTA DIVISION.

The firſt circuit to commence on the 1ſt April, the ſecond on the 1ſt October.

MOORSHEDABAD DIVISION.

The firſt circuit to commence on the 1ſt March, the ſecond on the 1ſt September.

PATNA DIVISION.

The firſt circuit to commence on the 1ſt June, the ſecond on the 1ſt December.

BENARES DIVISION.

The firſt circuit to commence on the 1ſt January, the ſecond on the 1ſt July.

Jail deliveries of the 24 Pergunnahs, Dacca Jelalpore, and Moorſhedabad zillah, to be held quarterly in future, before what judges and at what periods.

IV. The jail deliveries of the twenty-four Pergunnahs, zilliah Dacca Jelalpore, and zillah Moorſhedabad, inſtead of being held, as heretofore, before the judge who proceeds upon the half yearly circuit, and in the order preſcribed by Section VI, Regulation III, 1798, ſhall hereafter be held quarterly, before the ſecond or third judge, (or the fourth, where there may be a fourth judge,) who ſhall be preſent at the ſtation of the court of circuit; or when more than one of the judges (excluſive of the ſenior judge) ſhall be preſent, before them alternately, in the months of March, June, September, and December, for the twenty-four Pergunnahs, and zillah Dacca Jelalpore; and in the months of February, May, Auguſt, and November, for zillah Moorſhedabad. The quarterly jail deliveries for zillahs Dacca Jelalpore, and Moorſhedabad, are to be held, in the months above ſpecified, immediately after the monthly jail delivery for the cities of Dacca, and Moorſhedabad, preſcribed by Section II, Regulation II, 1799, the quarterly jail deliveries for

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the twenty-four Pergunnahs, are to be held at the commencement of the months ſpecified. But the whole of ſuch quarterly jail deliveries, when there may be only one judge preſent at the ſtation of the court of circuit and appeal, beſides the ſenior judge, are to be held upon the days whereon the court of appeal may not ſit; or in ſuch manner as may occaſion the leaſt poſſible impediment to the buſineſs of that court.

Inſtances in which the Nizamut Adawlut may authorize the ſenior judge to hold the quarterly jail deliveries.

V. If, in any inſtance, neither the ſecond, third (or fourth) judge of the court of circuit ſhould be preſent to hold the quarterly jail deliveries directed in the preceding ſection; or, if the ſecond, third (or fourth) judge who may be preſent, ſhould at any time be prevented by indiſpoſition, or other cauſe, from holding the quarterly jail delivery at the regular period; and the ſenior judge of the court of circuit ſhall be preſent, the court of Nizamut Adawlut are empowered to authorize the ſenior judge, to hold the quarterly jail delivery at ſuch period, as authorized, in ſimilar caſes, with reſpect to the monthly city jail deliveries, by Section III, Regulation II, 1799. It is further hereby explained, that the whole of the proviſions contained in Sections II and III, Regulation II, 1799, were meant to be extended by Section III, of that regulation, to the jail deliveries of the city of Benares, which are conſequently to be held monthly, in the mode preſcribed by the above ſections, inſtead of being held as directed by Sections XIX and XX, Regulation XVI, 1795; alſo, that if neither of the law officers attached to the court of circuit be preſent, or able to attend, from indiſpoſition or otherwiſe, at the time of holding the preſcribed monthly or quarterly jail deliveries, the law officer attached to the court of the city or zillah, for which the jail delivery may be held, is to officiate for the law officer of the court of circuit, as provided, with regard to the circuit jail deliveries in general, by Section VIII, Regulation IV, 1797.

Explanation of Sections II and III, Regulation II, 1799, with reſpect to the jail deliveries of the city of Benares.

Law officers of the city or zillah court when the jail delivery may be held, to officiate in caſe of the abſence of the law officers of the court of circuit.

Rule in caſe of the circuits or jail deliveries falling within the period of the

VI. In the event of the time fixed by the preceding ſections for the commencement of any of the half yearly circuits, or quarterly

terly jail deliveries, falling within the period of the Mohurrum or Duſſarah vacations as fixed by Section II, Regulation III, 1798, the rule contained in Section IV, of that regulation, is to be conſidered applicable. The general rule in Section IX, Regulation VII, 1794, reſtricting the courts of circuit from ſitting on Sundays upon any occaſion whatever, will, of courſe, be alſo applicable under this regulation.

Mohurrum or Duſſarah vacations.

Rule reſpecting Sundays applicable under this regulation.

VII. *Firſt.* In conſequence of the alteration made by this regulation in the periods of the half yearly circuits for the diviſion of Patna, the jail deliveries of the ſeveral zillahs in that diviſion, will hereafter be held in the following order of ſucceſſion; inſtead of that preſcribed by Section VI, Regulation III, 1798.

Order in which the jail deliveries in the Patna diviſion are to be held.

1. Zillah Ramghur,
2. do. Behar,
3. do. Tirhoot,
4. do. Saran,
5. do. Shahabad.

Second. The jail deliveries of the Calcutta diviſion will alſo be hereafter held in the following order; inſtead of that preſcribed by the regulation abovementioned.

Order in which the jail deliveries in the Calcutta diviſion are to be held.

1. Zillah Beerbhoom,
2. do. Burdwan,
3. do. Midnapore,
4. do. Jeſſore,
5. do. Nuddea,
6. do. Hooghly,

VIII. Under Section VI, Regulation III, 1798, the court of Nizamut Adawlut are empowered to authorize occaſional deviations from the order of ſucceſſion, fixed by that regulation for the jail deliveries of the ſeveral zillahs and cities, upon report being made to the court of any particular circumſtances that may occur to render ſuch deviations neceſſary. The court of Nizamut

Nizamut Adawlut, competent with the ſanction of Government to authorize ſpecial deviations when neceſſary or expedient.

zamut Adawlut are further hereby declared competent, with the ſanction of the Governor General in Council, to authorize any ſpecial deviation, which may appear neceſſary, or expedient, from the rules preſcribed in the preſent regulation, for the periods of holding the ſeveral jail deliveries, whether monthly, quarterly, or half yearly, for the cities and zillahs reſpectively.

A. D. 1804. REGULATION IV.

A REGULATION *for the adminiſtration of juſtice in criminal caſes in the zillah of Cuttack.*—PASSED *by the Governor General in Council, on the* 3*d May* 1804; *correſponding with the* 22*d Byſaak* 1211 *Bengal era; the* 9*th Byſaak* 1211 *Fuſſily; the* 22*d Byſaak* 1211 *Willaity; the* 8*th Byſaak* 1861 *Sumbut; and the* 22*d Mohurrum* 1219 *Higeree*

Preamble.

WHEREAS the province of Cuttack, including Balaſore, and the other dependencies of the ſaid province, hath been ceded to the Honorable the Engliſh Eaſt India Company in full ſovereignty by Maharajah Raghoojee Bhoonſla; and whereas it is neceſſary for the ſecurity of the perſons of the inhabitants, to provide for the adminiſtration of juſtice in criminal caſes in the ſaid province; and whereas it hath been the ancient uſage of the ſaid province to adminiſter juſtice in ſuch caſes according to the Mahomedan law; and whereas it hath been deemed adviſable to continue the ſaid law, with ſuch modifications of it, as have been adopted for the adminiſtration of juſtice in criminal caſes in the provinces

provinces of Bengal and Behar, and in the part of the province of Oriſſa heretofore ſubject to the dominion of the Britiſh Government, the Governor General in Council hath been pleaſed to enact the following rules, which ſhall be in force from the date of their promulgation.

Province of Cuttack with its dependancies to be included in the Calcutta diviſion, and denominated the zillah of Cuttack. The zillah to be formed into two diviſions, and two general jail deliveries to be held there annually by a judge of the Calcutta court of circuit.

II. The province of Cuttack, with its dependancies, ſhall be included in the diviſion of the court of circuit for the diviſion of Calcutta, and ſhall be denominated the zillah of Cuttack. The zillah ſhall be formed into two diviſions, denominated the northern and the ſouthern diviſion of the zillah of Cuttack. Two general jail deliveries for the ſaid zillah ſhall be holden annually by one of the judges of the ſaid court of circuit at ſuch period and at ſuch place or places, as the court of Nizamut Adawlut ſhall preſcribe.

Court of circuit to be guided in its deciſions and proceedings by the regulations enacted agreeably to Regulation XLI, 1793, for the adminiſtration of juſtice in criminal caſes.

III. The court of circuit ſhall be guided in its deciſions and proceedings by the regulations which have been enacted agreeably to the rules preſcribed in Regulation XLI, 1793, for the adminiſtration of juſtice in criminal caſes in the provinces of Bengal and Behar, and in part of the province of Oriſſa heretofore ſubject to the dominion of the Britiſh Government.

A magiſtrate to be appointed in each diviſion of the zillah of Cuttack, with the ſame powers as are veſted in the magiſtrates in the other provinces.

IV. A magiſtrate ſhall be appointed in each of the diviſions of the zillah of Cuttack, who ſhall exerciſe the powers veſted in the magiſtrates of the zillahs in the provinces of Bengal and Behar, and the part of the province of Oriſſa heretofore ſubject to the dominion of the Britiſh Government, under the regulations paſſed agreeably to the rules preſcribed in Regulation XLI, 1793.

Regulations enacted in future for the adminiſtration of criminal juſtice within Bengal, Behar, and Oriſſa, ſhall be conſidered to extend to Cuttack, unleſs ſpecially excepted.

V. The regulations, which ſhall be hereafter enacted in the manner preſcribed in Regulation XLI, 1793, for the adminiſtration of juſtice in criminal caſes, and for the guidance of the magiſtrates, in the provinces of Bengal and Behar, and in the part of the province of Oriſſa heretofore ſubject to the dominion

nion of the British Government, shall be considered to extend to the zillah of Cuttack, unless it shall be otherwise specially directed in any regulation so enacted.

Magistrates to have charge of the Police under the superintendence of the Commissioners, who are also to exercise the powers of magistrates?

VI. The magistrates shall have the charge of the police of the country under the superintendence of the commissioners appointed to superintend the administration of the affairs of the zillah, who are likewise hereby authorized, jointly and severally, to exercise the powers of magistrates throughout the limits of the zillah. The magistrates, with the sanction of the commissioners, shall station darogahs of police in those parts of the country, in which the aid of such officers shall be necessary for the maintenance of the peace of the country; and all the regulations now in force, or which shall be hereafter enacted, regarding the Police in the provinces of Bengal and Behar, and in that part of the province of Orissa heretofore under the dominion of the British government, shall be considered to extend to the province of Cuttack, unless it shall be otherwise specially directed by any regulation printed and published in the manner prescribed by Regulation XLI, 1793. Provided however, that this regulation shall not be construed to exonerate the zemindars, farmers, or other holders of lands in the zillah of Cuttack from the duties and responsibility imposed on them by the terms of their respective tenures or engagements, and the usages of the country, for the prevention of robberies and other disorders, and for the maintenance of peace and good order within their respective limits. Such zemindars, farmers, and other holders of lands, shall continue to perform such duties, subject to the same responsibility as heretofore, notwithstanding any thing that may be said to the contrary in any regulation enacted previously to the date of this regulation.

Magistrates with the sanction of the commissioners, to station darogahs; and all existing or future regulations regarding the police within Bengal, Behar, and Orissa, considered to extend to Cuttack, unless specially excepted.

This regulation not to exonerate the zemindars &c. in Cuttack from the duties and responsibility imposed on them by the terms of their tenures and the usages of the country.

Magistrates and court of circuit not to take cognizance of crimes committed previously to 14th October 1803.

VII. This regulation shall not be construed to empower the magistrates, or the court of circuit, to take cognizance of any crimes or offences committed previously to the 14th of October 1803, the date on which the fort and town of Cuttack surrendered

What sentences may be passed on persons convicted of crimes committed between that period and the date of this regulation.

rendered to the British arms; nor to empower the court of circuit, or the Nizamut Adawlut, to pass any sentence on persons convicted of crimes or offences committed between the aforesaid date, and the date of the promulgation of this regulation, excepting the sentence to which such persons would have been subject under the Mahomedan law, as it prevailed within the limits of the said zillah, during the aforesaid period; provided however that in cases in which the said sentence shall not extend to life or limb, or to imprisonment for a term not exceeding seven years, the court of circuit, in the event of the charge being proved to its satisfaction, shall be at liberty to direct the said sentence to be carried into execution, or to mitigate the punishment to such extent as it shall deem proper on a consideration of the circumstances of the case; and provided also, that in cases in which the said sentence shall extend to life or limb, or to imprisonment for a term exceeding seven years, the proceedings of the court of circuit in such cases, with the opinion of the court on their merits, shall be transmitted to the Nizamut Adawlut, which court, if the charge shall have been proved against the prisoner to its satisfaction, shall, in cases in which the sentence shall adjudge the prisoner to suffer the punishment of mutilation, commute such punishment for imprisonment, or for imprisonment and hard labour for a term of years; and in cases in which the sentence shall adjudge the prisoner to suffer the punishment of death, or of imprisonment for a term exceeding seven years, the court shall direct such punishment to be carried into execution, or commute or mitigate the same, or recommend the prisoner to the Governor General in Council for mercy, according as shall appear to the court to be proper on a consideration of the circumstances of the case.

Court of circuit empowered to order such sentences to be carried into execution in certain cases.

Court of circuit to report to the Nizamut adawlut in cases where such sentences extend to life or limb or to imprisonment for a term exceeding seven years.

A. D. 1804. REGULATION V.

A REGULATION *to provide for the appointment and removal of the native officers of Government in the Judicial, Revenue, and Commercial Departments; and in the Departments of Salt, Opium, and Customs; alſo to make further provision for adminiſtering the oath prescribed by the Statute* 33, *Geo. III. Cap.* 52. —PASSED *by the Governor General in Council, on the* 16*th of Auguſt* 1804; *corresponding with the* 2*d Bhadoon* 1211 *Bengal era; the* 25*th Sawun* 1211 *Fuſsily; the* 2*d Bhadoon* 1211 *Willaity; the* 10*th Sawun* 1861 *Sumbut; and the* 9*th Jemaud ul Awul* 1219 *Higeree.*

Preamble.

FOR the purpoſe of enſuring a faithful, diligent, and able diſcharge of the important duties aſſigned to the native officers who are employed on the part of Government, in the ſeveral public offices of the judicial, revenue, and commercial departments, and in the departments of ſalt, opium, and cuſtoms, it is eſſential that thoſe officers (with an exception of the

the naib nazirs, mirdahs, peons, and burkundazes, and similar descriptions of public servants who are nominated, and removed upon sufficient cause, by their immediate superiors, under the responsibility of the latter for their good conduct) should be secured in the possession of their respective offices, whilst they discharge the duties assigned to them with diligence, ability, and integrity; that the persons appointed to fill all vacancies in such offices should be selected with due regard to their characters and qualifications; and that they should not be liable to removal from their appointments without proof of their incapacity or misconduct. These objects have been in part provided for by the rules in force concerning the appointment and removal of the law officers of the courts of justice; the cauzy ul cuzzaut, and cauzies of the towns, cities, and pergunnahs; and the native officers appointed to keep the records of the courts of judicature, civil and criminal, as well as the keepers of the revenue records in the several collectorships; the whole of whom are appointed by the Governor General in Council, and are not removable without sufficient cause, established to his satisfaction. The principal native officers employed in the police are also, under the existing regulations, not liable to be removed from their stations without proof of incapacity or misconduct to the satisfaction of the Governor General in Council; and the native commissioners, for the trial and decision of civil causes to a small amount, who are appointed with the approbation of the court of Sudder Dewanny Adawlut, are not removable, during the period of their commissions, without sufficient cause proved to the satisfaction of that court. The zillah khazanchees, or native cash-keepers under the collectors, are in like manner, required to be appointed with the approbation of the Board of Revenue, and are declared not to be removable, except for misconduct or other sufficient cause proved to the satisfaction of that Board. But in other instances, it is not required by the existing regulations that the sanction of the Governor General in Council or the approbation of the Sudder Dewanny Adawlut, and Nizamut Adawlut,

lut, or of the Boards of Revenue, and trade, be obtained to the appointment of the native officers employed on the part of Government in the judicial, revenue, and commercial departments, or in the departments of ſalt, opium, and cuſtoms, nor has any general proviſion been made for ſecuring the continuance of ſuch officers in their reſpective ſituations, whilſt they perform the duties aſſigned to them with attention and fidelity. His Excellency the Moſt Noble the Governor General in Council, has therefore enacted the following further rules, to be in immediate force within the provinces of Bengal, Behar, and Oriſſa, (including Cuttack,) the province of Benares, and the provinces ceded by the Nawaub Vizier.

Section II, Regulation XIII, 1793, and Section II, Regulation XII, 1795, reſcinded in part.

II. Such parts of Section II, Regulation XIII, 1793, (extended to Benares by Regulation XII, 1795,) and of Section II, Regulation XII, 1803, for the provinces ceded by the Nawaub Vizier, as authorize the courts of civil and criminal judicature to appoint their reſpective native officers, (excepting the naibs of the nazirs, the mirdahs, and the peons,) and to remove ſuch officers for incapacity, miſconduct, or other cauſe that may appear to them ſufficient, are hereby reſcinded.

Section XIII, Regulation II, 1793, and Section XIII, Regulation V, 1795, reſcinded in part.

III. Such parts of Section XIII, Regulation II, 1793, and Section XIII, Regulation V, 1795, as declare the appointment and diſmiſſion of native public ſervants on the eſtabliſhments of the collectorſhips (the keepers of the records and the khazanchees excepted) to be veſted in the collectors of the revenue, are alſo hereby reſcinded.

Head native officers herein ſpecified not to be removed from their offices without the ſanction of the Governor General in Council.

IV. The head miniſterial native officers, who are now, or may be hereafter, employed in the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the provincial courts of appeal and circuit, the zillah and city civil courts, and the courts of the magiſtrates in the ſeveral zillahs and cities, the head native officers who are now or may be hereafter employed under

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the secretary to the Board of Revenue, or the collectors of the revenue, and the head native officers, who are now or may be hereafter employed, under the secretary to the Board of Trade, the commercial residents, or agents, the agents for the provision of salt and opium, or the collectors of the customs, shall not be removed from their respective offices without the sanction of the Governor General in Council.

Applications of the head native officers for permission to resign, to be publicly recorded and submitted to the Governor General in Council through the prescribed channels.

V. Whenever the head ministerial native officers of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, of the provincial courts of appeal and circuit, of the city and zillah civil courts, of the courts of the magistrates in the several zillahs and cities, or the principal native officers employed under the secretaries to the Board of Revenue, and Board of Trade, or the head native officers of the collectors of the land revenue, and of the customs, of the commercial residents and agents, or of the agents for the provision of salt and opium, shall be desirous of resigning their offices, the abovementioned authorities are hereby required to receive and record such resignations in open court, or in their public cutcherries, and to transmit the same through the channel prescribed for conducting the public correspondence to the Governor General in Council for his information and orders.

Rule of proceeding to be observed when there may appear to be cause for the removal of any head native officer.

VI. Whenever the authorities specified in the preceding sections may see cause for the removal of any of their head native officers on the ground of misconduct, incapacity, or otherwise; they shall communicate to such officer the grounds upon which they may consider him undeserving of continuance in his station; and call upon him to state what he may have to offer in his defence. If his answer appear unsatisfactory, and they shall consequently be of opinion that he ought to be removed, a report of the circumstances of the case, with a copy and translation of the communication made to the officer, and his answer, shall be transmitted, through the prescribed channel of public correspondence, to the

Governor.

Governor General in Council, who will paſs ſuch order thereupon as he may judge proper. In the event of any proceedings or documents being referred to in the reports made in ſuch caſes, a copy and tranſlation of ſuch parts thereof as may be material, and appear neceſſary for the full information of the Governor General in Council, ſhall alſo be tranſmitted with the reports required. In caſes however in which the head native officer of any of the authorities noticed in Section IV, may have been guilty of groſs miſconduct, ſuch as to require his immediate ſuſpenſion from the exerciſe of the functions of his ſtation, the officer under whoſe authority he may be employed, is empowered to ſuſpend him; and, if requiſite for the public buſineſs, to nominate another perſon, duly qualified, to act in his place, until the orders of the Governor General in Council can be obtained upon the caſe.

Report to be made to Government in the event of vacancies through death or otherwiſe.

VII. A report ſhall likewiſe be made to the Governor General in Council without loſs of time, through the channel above preſcribed, whenever an actual vacancy ſhall occur in the ſituation of head native officer to any of the authorities mentioned in Section IV, of this regulation, from death or any other cauſe.

Courts of Sudder Dewanny Adawlut and Nizamut Adawlut and Boards of Revenue and Trade, to ſtate their opinions on the propriety of accepting reſignations, or of propoſed diſmiſſals of head native officers.

VIII. Whenever the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or the Boards of Revenue and Trade, (through whom all correſpondence on this ſubject is in future to be conducted), ſhall receive any reports from the provincial, city, or zillah courts, or from the collectors of the land revenue; or from the commercial reſidents, or agents, or the collectors of cuſtoms, or agents for the proviſion of ſalt and opium, encloſing the reſignations of their principal native officers, the Sudder Dewanny Adawlut, and the Boards of Revenue and Trade, ſhall forward the ſaid reſignations to the Governor General in Council, with their opinion, whether any objections occur to accepting the reſignations in queſtion. In like manner whenever the courts of Sudder Dewanny Adawlut, and Nizamut Adawlut, and the Boards of Revenue and Trade, ſhall receive any report from the authori-

ties

ties subject to the control of those courts, and boards respectively, regarding the misconduct or incapacity of their head native officers; the Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, shall forward such reports to the Govenor General in Council, (after calling for such further information as they may deem necessary,) and shall state their opinion, whether there appear to be sufficient grounds for the dismission of the officers proposed to be removed. On the same principle, those authorities are to forward to the Governor General in Council any reports which they may have received of vacancies among any of the head native officers from the death of such officers, or from any other cause.

Rule to be observed in the nomination and appointment of persons to fill vacancies in the station of a head native officer under any of the authorities specified.

IX. When the head native officer of any of the authorities specified in Section IV, may be removed from his station by order of the Governor General in Council, and also whenever a vacancy may occur from death, resignation, or otherwise, in the station of head native officer to any of those authorities, the courts of Sudder Dewanny Adawlut, or Nizamut Adawlut, the provincial court of appeal or circuit, the zillah or city judge or magistrate, the Board of Revenue or collector, the Board of Trade, commercial resident or agent, the agent for the provision of salt, or opium, or the collector of customs, in whose immediate department such removal or vacancy may occur, shall nominate, through the proper channel, for the approbation of the Governor General in Council, a person duly qualified to succeed to the station so vacated; and shall at the same time report fully any information obtained of the past employments, character, and qualifications of the proposed successor. The courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, in submitting any such reports from the officers in their respective departments to the Governor General in Council, shall add whether they are aware of any objections to the proposed appointment; and the Governor General in Council on the receipt of such reports, or after calling for any further information that

may

may appear neceſſary, will either confirm the perſon nominated to fill the vacant office, or will direct that a further nomination be made for his approval.

The rules contained in the five preceding ſections declared applicable to the law officers, the cauzies, the record keepers, and the principal police officers, in addition to, and in amendment of, the rules now in force for their appointment and removal.

X. The rules contained in the five preceding ſections ſhall be held applicable to the law officers of the ſeveral courts of juſtice; to the cauzy-ul-cuzzaut, and cauzies of the towns, cities and pergunnahs; to the keepers of the records of the courts of judicature, and of the collectorſhips; to the police darogans; and to the tehſeeldars, who are veſted with the charge of the police in the province of Benares, and the provinces ceded by the Nawaub Vizier; in addition to the rules now in force for the appointment or removal of thoſe officers reſpectively; or in amendment thereof, as far as the former rules are different from the proviſions contained in the preceding ſections of this regulation: but the tehſeeldars in the provinces abovementioned being reſponſibly employed in the collection of the public revenue, they ſhall not be liable to ſuſpenſion under Section VI, except by order of the Governor General in Council, or Board of Revenue, or the collectors; and the nomination of perſons to fill vacancies in the office of tehſeeldar, in the above provinces under Section IX, ſhall be made to Government by the collectors, through the Board of Revenue.

Proviſion reſpecting ſuſpenſion and nomination of tehſeeldars, in charge of the police, in Benares and the ceded provinces.

Power reſerved to the Governor General in Council of extending Sections V, VI, VII, VIII, and IX, of this Regulation to any other native officers in the departments ſpecified, for whoſe removal and appointment he may judge the ſanction of Government neceſſary; in the mean time the following rules to be obſerved.

XI. The Governor General in Council alſo reſerves to himſelf the power of ordering Sections V, VI, VII, VIII, and IX, of this regulation, to be applied to any other native officers in the judicial, revenue, or commercial departments, or in the departments of ſalt, opium, and cuſtoms; for whoſe appointment and removal he may, at any time, judge it proper to require the expreſs ſanction of the Government. In the mean time, the rules contained in the following ſections are to be conſidered applicable to all native officers, whoſe appointment and removal may not have been ſpecially reſerved to the Governor General in Council.

XII.

Nazirs of the courts of judicature allowed to appoint certain public servants employed under them, and to fill up vacancies subject to the approbation of the judges and magistrates, and to the responsibility prescribed by Section II, Regulation XII, 1793, and Section II, Regulation XII, 1803. They may also remove such servants on stating sufficient cause to the satisfaction of the judge or magistrate; but not without his previous knowledge and sanction. Police daroghas and other police officers also empowered to nominate and remove similar public servants subordinate to them under the same restrictions.

XII. The nazirs of the several courts of judicature, civil and criminal, shall be allowed, as heretofore to appoint their own naibs, and the mirdahs and peons, or any similar descriptions of public servants employed under their immediate direction and control; and to fill up all vacancies, which, from time to time, may occur in such appointments, subject to the approbation of the judges and magistrates superintending the courts to which they are attached, and to the responsibility prescribed by Section II, Regulation XIII, 1793, and Section II, Regulation XII, 1803, for the good behaviour of the naibs, mirdahs, peons, and others appointed by them. They may also, as hitherto, remove the persons so appointed by them, provided they can state sufficient cause to the satisfaction of the judge and magistrate; but not without his previous knowledge and sanction. The police darogahs and the tehseeldars, who are vested with the charge of the police, as well as the city cutwals, and other police officers acting immediately under the zillah and city magistrates, shall, in like manner, and under the same responsibility, be allowed to nominate, for the approbation of the magistrate, their own naibs, jemmadars, and burkundazes, or any similar descriptions of public servants, composing part of their authorized police establishments, whenever vacancies may occur in such establishments, and to remove the persons acting under them upon such establishments, provided they can shew sufficient cause to the satisfaction of the magistrate; but not without obtaining his previous sanction.

The principle of the foregoing section applicable to the same descriptions of public servants in the revenue and commercial departments. Also to any other similar establishments in the judicial department.

XIII. The principle of the foregoing section shall be equally applicable to the naib nazirs, the mirdahs, peons, jemmadars, and burkundazes, or any similar descriptions of public servants employed in the revenue and commercial departments, or in the departments of salt, opium, and customs; and shall be observed accordingly in the whole of the public offices which are now established or may be hereafter constituted, in these departments respectively. It shall also be applied to any establish-

ments,

ments of the deſcriptions ſpecified, which may at any time be allowed by Government to the native commiſſioners now appointed, or who may be hereafter appointed in the judicial department, and generally to all ſimilar eſtabliſhments in that department.

XIV. Any other inferior native officers forming part of the fixed eſtabliſhments of the zillah and city courts, civil or criminal; or of any officers acting under the authority of the zillah and city judges and magiſtrates; of the provincial courts of appeal and circuit, or of any other court or office in the judicial department; or forming part of the fixed eſtabliſhments of the collectors of the revenue; of any officers acting under the authority of the collectors of the revenue, or of any other office in the revenue department; or forming part of the fixed eſtabliſhments of the commercial reſidents and agents: the agents for the proviſion of ſalt, and opium, or the collectors of the cuſtoms; and of any officers acting under the authority of theſe officers, or of any other office, in the commercial department, or the departments of ſalt, opium, and cuſtoms; provided, that the ſalary or other allowance of the ſeveral inferior officers herein referred to, ſhall not amount to the ſum of ten rupees per menſem, may be appointed, whenever vacancies occur in the ſtations of ſuch officers, and on proof of miſconduct, or other ſufficient cauſe, may be removed, without any reference to any ſuperior authority by the public officer, on whoſe eſtabliſhment they are entertained, or to whoſe immediate authority they are ſubject, viz. by the zillah and city judges and magiſtrates; the provincial courts of appeal and circuit; the regiſter to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut; and the ſuperintendant, however denominated, of any other office in the judicial department; by the collectors of the revenue, the ſecretary to the Board of Revenue and any other heads of office in the revenue department; by the commercial reſidents, and agents, the agents for the proviſion of ſalt, and opium, the collectors of cuſtoms, the ſecretary to the Board of Trade, and any other denominations of ſuperintending officers

Rule for the appointment and removal of other inferior native officers, whoſe ſalaries ſhall not amount to ten rupees per menſem.

in

in the commercial department. The whole of the officers herein described, however, are directed to record upon their proceedings the grounds, upon which any native officers may be removed by them, and are required to exercise the power vested in them, in the appointment and removal of the inferior officers acting under them respectively, with due regard to the public service, and the rights of individuals, by selecting proper persons to fill all vacancies in the situations of such officers; and by continuing in office the persons appointed, whether by themselves or their predecessors, whilst they discharge the duties assigned to them with diligence and integrity.

Rule for the appointment and removal of native officers whose salaries amount to ten rupees per mensem, or upwards; and whose appointment and removal have not been reserved to the Governor General in Council by the provisions of this regulation.

XV. The native officers, who are now, or may be hereafter, employed in the several courts of judicature, civil and criminal, or under any public officer subject to the authority of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut; the native officers who are now or may be hereafter employed under the collectors of the revenue, the secretary to the Board of Revenue, or any public officer subject to the authority of the Board of Revenue; and the native officers, who are now, or may be hereafter employed, under the commercial residents, and agents; the agents for the provision of salt, and opium; the collectors of the customs; the secretary to the Board of Trade; or any public officer subject to the authority of the Board of Trade, for whose appointment and removal no provision has been made by the preceding sections of this regulation, viz. all native officers so employed, whose salary or other allowance may amount to ten rupees per mensem, or upwards, and whose appointment and removal may not have been reserved to the Governor General in Council, shall not be removed from their respective offices without the sanction of the court of Sudder Dewanny Adawlut, or Nizamut Adawlut, or the Board of Revenue, or Trade; according to the department in which such officers may be employed.

XVI. Whenever an actual vacancy ſhall occur among the native officers attached to any of the authorities ſpecified in the preceding ſection from death or from any other cauſe, ſuch vacancy ſhall be immediately reported to the court of Sudder Dewanny Adawlut, or Nizamut Adawlut, or to the Board of Revenue, or Board of Trade, according to the department in which the vacancy may occur. The neceſſary report is likewiſe to be furniſhed regarding any ſuch officers, who may be deſirous of reſigning their employments; which reſignations are uniformly to be taken in the manner preſcribed in Section V. of this regulation. In like manner whenever the authorities ſpecified in the preceding ſection, may ſee cauſe for the removal of any of the native officers therein referred to, they ſhall communicate to ſuch officer the grounds upon which they may conſider him undeſerving of continuation in his ſtation, and call upon him to ſtate what he may have to offer in his defence. If his anſwer appear unſatisfactory, and they ſhall conſequently be of opinion that he ought to be removed, a report of the circumſtances of the caſe, with a copy of the communication made to the officer, and his anſwer, ſhall be tranſmitted (according to the department, in which he may be employed) to the court of Sudder Dewanny Adawlut, or Nizamut Adawlut, or to the Board of Revenue, or Board of Trade, who will paſs ſuch order thereupon as they may judge proper. In the event of any proceedings or documents being referred to in the reports made in ſuch caſes, a copy of ſuch parts thereof as may be material, and appear neceſſary for the full information of the court of Sudder Dewanny Adawlut, or Nizamut Adawlut, or the Board of Revenue, or Trade, ſhall alſo be tranſmitted with the reports required.

Rules to be obſerved in caſes of actual vacancies among the native officers, or when ſuch officers ſhall be deſirous of reſigning their employments or ſhall be deemed diſqualified for their offices.

XVII. In caſes wherein any of the native officers deſcribed in Section XV, may have been guilty of groſs miſconduct, ſuch as to require his immediate ſuſpenſion from the exerciſe of the functions of his ſtation, the officer under whoſe authority he may be employed is empowered to ſuſpend him; and if requiſite for the public buſineſs, to nominate another perſon duly qualified to act

Caſes in which native officers may be ſuſpended immediately, and a perſon appointed to perform the duty.

act in his place, until the orders of the ſuperior court or board can be obtained upon the caſe. But ſuch ſuſpenſions and nominations are to be reported, with the leaſt poſſible delay, for the information and orders of the Sudder Dewanny Adawlut, or Nizamut Adawlut, or the Board of Revenue, or Trade, according to the proper department.

Such ſuſpenſions and nominations to be reported.

XVIII. Whenever an actual vacancy ſhall occur in the ſtation of any of the native officers deſcribed in Section XV, of this regulation, from death or other cauſe, and whenever any vacancy ſhall occur by the reſignation or removal of any ſuch officer, under the ſanction or orders of the Sudder Dewanny Adawlut and Nizamut Adawlut, or of the Board of Revenue, or Board of Trade, the authorities before ſpecified, in whoſe immediate department ſuch removal or vacancy may occur, ſhall nominate for the approbation of the Sudder Dewanny Adawlut, or Nizamut Adawlut, or the Board of Revenue, or Trade, a perſon duly qualified to ſucceed to the ſtation ſo vacated, and ſhall at the ſame time, report fully any information obtained of the paſt employments, character and qualifications, of the propoſed ſucceſſor. The courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, on the receipt of ſuch reports, or after calling for any further information that may appear neceſſary, are authorized to confirm the perſon nominated to fill the vacant office, or to direct that a further nomination be made for their approval.

Rule to be obſerved in the nomination and appointment of perſons to fill vacancies in the ſtations of native officers deſcribed in Section XV.

XIX. The rules contained in the four preceding ſections ſhall be held applicable to the native commiſſioners for the trial of civil cauſes, and to the khazanchees or native caſh keepers of the collectors, in addition to the rules now in force for the appointment and removal of thoſe officers, or in amendment thereof, as far as the former rules are different from thoſe now enacted. The proviſions in thoſe ſections are alſo meant to include the tehſeeldars employed for the collection of the public revenue, in the

The rules contained in the four preceding ſections declared applicable to the native commiſſioners; and khazanchees of the collectors; in addition to and in amendment of the rules now in force for their appointment and removal alſo meant to include the tehſeeldars of

the provinces of Bengal, Behar, and Oriſſa; who are accordingly to be nominated by the collectors, and approved by the Board of Revenue. It is hereby further declared, that an order of Government ſhall be ſufficient without a new regulation, to extend the proviſions of this regulation to any offices now ſubſiſting, or which may be hereafter inſtituted, in the judicial, revenue, or commercial departments, or in the departments of ſalt, opium and cuſtoms, though not within the exact denomination of the offices deſcribed in this regulation.

the revenue in Bengal, Behar, and Oriſſa.

An order of Government ſufficient to extend the proviſions of this regulation to other offices not particularly deſcribed therein.

XX. On receipt of this regulation, the ſeveral authorities referred to in it, who are reſpectively ſubordinate to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or to the Boards of Revenue and Trade, ſhall tranſmit to thoſe courts, and boards, a complete ſtatement of their eſtabliſhments as now authorized by Government; and of the eſtabliſhments of all officers acting under them who are paid by Government; ſpecifying the number, and fixed allowances of the native officers actually employed, and the names of thoſe whoſe ſalaries or other allowances amount to ten rupees per menſem; with the dates of their appointments. In the event of the ſtations of any officers of this deſcription being now vacant, and of its being requiſite for the public buſineſs to fill ſuch vacancies, they ſhall, at the ſame time, nominate proper perſons for this purpoſe, in conformity with Sections IX, and XVIII, of this regulation. The ſtatements ſo tranſmitted ſhall be forwarded, as received, to the civil auditor; who ſhall compare them with the authorized eſtabliſhments, and report any deviations, through the proper channel, for the orders of the Governor General in Council; after obtaining which, the names of the officers actually employed, and receiving the allowance ſpecified, ſhall be entered in the book of civil eſtabliſhments.

Public officers herein ſpecified to ſubmit ſtatements of preſent authorized eſtabliſhments, and to nominate perſons to fill any vacancies.

Statements to be forwarded to civil auditor; and reports to be made by that officer.

XXI. Any future removals and appointments of the native officers deſcribed in this regulation, and receiving an allowance of

Future removals and appointments to be communicated to the civil au-

ditor by the regiſter to the Sudder Dewanny Adawlut and Nizamut Adawlut, and by the ſecretaries to the Boards of Revenue and Trade.

of ten rupees per menſem, or upwards, which may be ſanctioned by the Governor General in Council, or by the courts of Sudder Dewanny Adawlut, and Nizamut Adawlut, or the Boards of Revenue and Trade, ſhall alſo be communicated to the civil auditor by the regiſter to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and by the ſecretaries to the Boards of Revenue and Trade, for the purpoſe of making the requiſite alteration in the book of civil eſtabliſhments.

The authorities ſpecified in this regulation to inſert in all detailed ſtatements of eſtabliſhments required with their accounts, the names of all native officers receiving a ſalary of ten rupees or upwards

XXII. The ſeveral authorities and officers referred to in this regulation, who may hereafter have accounts to render to the accountant general, or to the accountants in the judicial, revenue, and commercial departments, or to the civil auditor, which, by the rules and orders now in force, or by ſuch as may be paſſed in future are, or may be, required to be accompanied with detailed ſtatements of the eſtabliſhments of native officers, ſhall uniformly inſert, in ſuch ſtatements, the names of the native officers actually employed, and receiving an allowance of ten rupees per menſem, or upwards; as ſanctioned by the Governor General in Council, or by the Sudder Dewanny Adawlut, and Nizamut Adawlut, or by the Boards of Revenue, or Trade, under the proviſions contained in this regulation.

Officers of Government ſpecifiedly prohibited from making any alteration in the fixed diſtribution of the ſalaries of native officers, or in their number and deſignation, without the ſanction of Government.

XXIII. The ſeveral officers of Government in the judicial, revenue, and commercial departments, and in the departments of ſalt, opium, and cuſtoms, who are already reſtricted by their official oaths, or by the known declarations and orders of Government, from deriving any perſonal advantage whatever from their fixed eſtabliſhments of native officers, are further hereby poſitively prohibited from making any alteration whatever in the diſtribution of the ſalaries of ſuch officers, or in the number and deſignation of the ſeveral deſcriptions of native officers, which now compoſe, or may hereafter compoſe, their authorized eſtabliſhments, without the expreſs ſanction of the Governor General in Council.

XXIV.

Public offices referred to, declared not to be hereditary; and may at any time be abolished by Government.

XXIV. Nothing in this regulation shall be construed to establish a claim of inheritance to any public office whatever; or to prevent the abolition of any such office, by order of the Governor General in Council, whenever he may judge it unnecessary to continue the same for the public service.

Inconveniences experienced from bringing to the presidency, all persons concerned in the collection of the revenues for the purpose of taking the oath prescribed by the Statute 33 Geo. III, Cap. 52.

XXV. By Section III, Regulation II, 1793, it is enacted, that the collectors of the public revenue, previously to entering upon the execution of the duties of their offices, shall take the oath prescribed by Act of Parliament for servants of the Company employed in the management or collection of the revenue, before one of the Judges of the Supreme Court of Judicature. But it has in many cases been found inconvenient to bring the persons so employed, from their stations to the presidency, for the purpose of taking the oath prescribed by the Statute 33, GEO. III. Cap. 52, before one of the Judges of the Supreme Court; and by the provision made in the said Statute, such oath may be administered by any person deputed or authorized for this purpose by an order of the Governor General in Council. It is therefore hereby declared, in modification of Section III, Regulation II, 1793, that whenever it may be requisite to administer to any person employed in the management or collection of the revenue, the oath prescribed by the sixty-first section of the Statute aforesaid; the Governor General in Council will determine and direct, whether the same shall be taken before one of the Judges of the Supreme Court of Judicature at Calcutta, or before such other person as may be authorized by an order of Government for this purpose. It shall however be observed, as an invariable rule, whenever the oath in question may be taken before any other person than one of the Judges of the Supreme Court, to transmit the same, duly subscribed, and attested, to the register to the Sudder Dewanny Adawlut, for the purpose of being recorded in that court.

Governor General in Council will in future determine whether the oath shall be taken before a Judge of the Supreme Court, or before such other person as may be authorized. Rule to be observed when the oath may not be taken before one of the Judges of the Supreme Court.

Form of oath.

XXVI. The following is the form of the oath which is to be taken by the persons employed in the collection of the public revenue.

"I,

"I, ————————, do promiſe and ſwear, that I will, to the utmoſt of my endeavours, well and faithfully execute and diſcharge the duties of an officer of revenue, repoſed in and committed to me by the United Company of Merchants of England trading to the Eaſt Indies; and that I will not demand, take, or accept, directly or indirectly, by myſelf, or by any other perſon, for my uſe or on my behalf, of or from any rajah, zemindar, talookdar, polygar, farmer, renter, or ryot, or from any perſon paying or liable to pay any tribute, rent or tax, to or for the uſe of the ſaid United Company, any ſum of money, or other valuable thing, by way of gift, preſent, or otherwiſe, over and above, or beſides and except, the actual tribute, rent, or tax, authorized to be taken by and for the uſe of the ſaid United Company; and that I will juſtly and truly account for, anſwer, and pay all the rents, duties, and other revenues, and ſums of money, which ſhall come to my hands, or to the hands of any perſon or perſons in truſt for or employed by me as an officer of the revenues of the ſaid Company, unto the ſaid United Company.

"So HELP ME GOD."

A. D. 1804. REGULATION VII.

A REGULATION *for determining the rates of duty to be levied, under Sections* IV, *and* VII, *Regulation* VI, 1804, *on the importation and exportation of salt in the provinces ceded to the Honorable Company by the Nawaub Vizier, and in the conquered provinces situated within the Dooab and on the right bank of the river Jumna.*—PASSED *by the Governor General in Council, on the* 15*th October* 1804; *corresponding with the* 1*st Kartick* 1211 *Bengal era; the* 26*th Assin* 1212 *Fussily; the* 1*st Kartick* 1212 *Willaity; the* 11*th Assin* 1861 *Sumbut; and the* 10*th Rejb* 1219 *Higeree.*

Preami

WHEREAS it is enacted by Section IV, Regulation VI, 1804, that, from and after the first day of November 1804, the importation of foreign salt, and of salt produced within the conquered provinces situated on the right bank of the river Jumna belonging to the Honorable Company, into the ceded provinces, or into the conquered provinces situated within the Doab, shall be subject to the payment of a duty to be determined by a future regulation: And whereas it is enacted by Section VII, of

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the regulation aforesaid, that salt exported from the ceded provinces, or from the conquered provinces situated within the Dooab or on the right bank of the river Jumna, into the territory of any foreign State (with an exception to the countries specified in Section VI, of the said regulation,) shall be subject, on it's exportation from the dominions of the Honorable Company, to the payment of a duty to be determined by a future regulation. The following rules are accordingly enacted; to be in force in the ceded provinces, and in the conquered provinces situated within the Dooab and on the right bank of the river Jumna, from and after the first day of November next.

Rate of duty to be levied on the importation of salt under Regulation VI, 1804.

II. From and after the 1st day of November next, all foreign alimentary salt, and all alimentary salt produced within the conquered provinces situated on the right bank of the river Jumna belonging to the Honorable Company, of whatever description, which shall be imported into the ceded provinces, or into the conquered provinces situated within the Dooab, under Regulation VI, 1804, shall be subject, on it's importation into those provinces, to the payment of a duty to Government, at the rate of twelve annas per maund, each seer of the said maund to weigh eighty sicca rupees.

Rate of duty to be levied on the exportation of salt under Regulation VI, 1804.

III. All alimentary salt, of whatever description which shall be exported from the ceded provinces, or from the conquered provinces situated within the Dooab, or on the right bank of the river Jumna, under Regulation VI, 1804, into the territory of any foreign State, (with an exception to the countries specified in Section VI, of the regulation abovementioned) shall be subject, on it's exportation from the dominions of the Honorable Company into such foreign territory, to the payment of a duty to government, at the rate of four annas per maund, each seer of the said maund to weigh eighty sicca rupees.

A. D. 1804. REGULATION VIII.

A REGULATION *for transferring the zillahs of Allahabad and Goruckpore from the diviſion of the provincial court of appeal and the court of circuit for the diviſion of the provinces ceded to the Honorable the Engliſh Eaſt India Company by the Nawaub Vizier; and for annexing thoſe zillahs to the diviſion of the provincial court of appeal and the court of circuit for the diviſion of Benares.*—PASSED *by the Governor General in Council, on the* 27*th of November* 1804; *correſponding with the* 14*th Aughon* 1211 *Bengal era; the* 10*th Aughon* 1212 *Fuſſily; the* 14*th Aughon* 1212 *Willaity; the* 11*th Aughon* 1861 *Sumbut; and the* 23*d Shabon* 1219 *Higeree.*

Preamble.

WHEREAS the diſtance between the ſtations of the magiſtrates of the zillahs of Allahabad and Goruckpore, and the ſtation of the court of circuit for the diviſion of the provinces ceded to the Honorable the Engliſh Eaſt India Company by the Nawaub Vizier, has occaſioned conſiderable delay and inconvenience in holding the general jail deliveries for the ſeveral zillahs included in the ſaid diviſion; And whereas the adminiſtration

tion of juſtice within the ſaid zillahs, both in civil and criminal caſes, will be greatly expedited and facilitated by the transfer of thoſe zillahs to the diviſion of Benares; the following rules are enacted, to be in force from the date of their promulgation.

The zillahs of Allahabad and Goruckpore, transferred from the juriſdiction of the diviſion of the ceded provinces, and annexed to the juriſdiction of the diviſion of Benares.

II. The zillahs of Allahabad and Goruckpore ſhall be transferred from the juriſdiction of the provincial court of appeal and the court of circuit for the diviſion of the provinces ceded to the Honorable the Engliſh Eaſt India Company by the Nawaub Vizier, and ſhall be annexed to the juriſdiction of the provincial court of appeal and the court of circuit for the diviſion of Benares.

The courts of juſtice, the Boards of Revenue and Trade, and all other officers, to be guided, in all matters relating to the zillahs aforeſaid, by the regulations which have been or ſhall be enacted for the internal government of the ceded provinces.

III. The courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the provincial court of appeal and the court of circuit, for the diviſion of Benares, the judges and magiſtrates, and the collectors of the revenue, in the zillahs of Allahabad and Goruckpore, the commercial reſidents, and all other officers in thoſe zillahs, and the Boards of Revenue and Trade, ſhall be guided, in their deciſions and proceedings, and in all matters, relating to the ſaid zillahs, by the regulations which have been, or ſhall be, enacted, in conformity to the rules preſcribed in Regulation I, 1803, for the internal government of the provinces ceded by the Nawaub Vizier to the Honorable the Engliſh Eaſt India Company.

A. D. 1804.—REGULATION IX.

A REGULATION *for altering the denomination of the court of circuit and the provincial court of appeal for the division of the ceded provinces; for the administration of justice, in criminal cases, in the conquered provinces in the Dooab, and on the right bank of the river Jumna, and in the territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah.*—PASSED *by the Governor General in Council, on the* 14*th December* 1804; *corresponding with the* 1*st Pous* 1211 *Bengal era; the* 27*th Aughon* 1212 *Fussily; the* 1*st Pous* 1212 *Willaity; the* 27*th Aughon* 1861 *Sumbut; and the* 11*th Ramzan* 1219 *Higeree.*

Preamble.

WHEREAS certain territories, forming part of the Dooab, or country situated between the rivers Ganges and Jumna, and on the right bank of the river Jumna, have been ceded to the English East India Company, in full sovereignty, by Dowlut Rao Scindiah, and whereas certain territories, forming part of the province of Bundlecund, and situated on the right bank of the river Jumna, have been ceded to the English East India

India Company, in full ſovereignty, by the Peiſhwah; and whereas it is neceſſary, for the ſecurity of the perſons of the inhabitants of the ſaid territories, and of certain contiguous territories, which have been acquired by the Britiſh Government, to provide for the adminiſtration of juſtice, in criminal caſes, in the territories and diſtricts aforeſaid; and whereas it hath been the ancient uſage in the ſaid territories to adminiſter juſtice, in ſuch caſes, according to the Mahomedan law; and whereas it hath been deemed adviſable to continue the ſaid law, with ſuch modifications of it as have been adopted for the adminiſtration of juſtice, in criminal caſes, in the provinces ceded to the Engliſh Eaſt India Company by the Nawaub Vizier; and whereas it is neceſſary, that the ſaid territories be divided into ſeparate zillahs, and that certain pergunnahs, ſeparated from the zillahs of Etawah and Moradabad, and annexed to the zillah of Allyghur, be excepted from the operation of that part of the preſent regulation, ſhall be in force; and whereas it hath been deemed adviſable to alter the denomination of the court of circuit and provincial court of appeal for the diviſion of the ceded provinces; the Governor General in Council hath been pleaſed to enact the following rules which ſhall be in force from the date of their promulgation.

The court of circuit for the diviſion of the provinces ceded by the Nawaub Vizier to the Honorable the Engliſh Eaſt India Company, to be hereafter denominated the court of circuit for the diviſion of Bareilly.

II. That part of Section II, Regulation VII, 1803, which declares, that the court conſtituted for the trial of perſons charged with crimes and miſdemeanors in the provinces ceded by the Nawaub Vizier to the Engliſh Eaſt India Company, ſhall be denominated "the court of circuit for the diviſion of the provinces ceded by the Nawaub Vizier to the Honorable the "Engliſh Eaſt India Company," is hereby reſcinded; and that court ſhall be hereafter denominated "the court of circuit "for the diviſion of Bareilly."

The conquered territories in the Dooab, and on the right bank of

III. The territories ceded to the Engliſh Eaſt India Company by Dowlut Rao Scindiah, ſituated within the Dooab, and on the

the right bank of the river Jumna, shall be formed into five divisions; to be denominated, the zillah of Panniput, the northern and southern division of the zillah of Saharunpore, the zillah of Allyghur, and the zillah of Agra. These zillahs shall be included in the division of the court of circuit for the division of Bareilly.

the river Jumna, to be formed into five divisions: denominations of those divisions.

To be included in the Bareilly division.

IV. The territory in Bundlecund, situated on the right bank of the river Jumna ceded to the English East India Company by the Peishwah, shall be included in the division of the court of circuit for the division of Benares; and shall be denominated the zillah of Bundlecund.

The territory in Bundlecund, ceded to the Honorable Company by the Peishwah, to be denominated the zillah of Bundlecund; to be included in the Benares division.

V. Two general jail deliveries shall be holden annually for the zillahs specified in Sections III and IV, by one of the judges of the courts of circuit for the divisions of Bareilly and Benares respectively, at such periods of time as the court of Nizamut Adawlut shall prescribe.

Two general jail deliveries to be held annually for the zillahs specified in Sections III and IV, by one of the judges of the Bareilly or Benares court of circuit respectively.

VI. The court of circuit shall be guided in it's decisions and proceedings by the regulations which have been enacted, conformably to the rules prescribed in Regulation I, 1803, for the administration of justice, in criminal cases, in the provinces ceded to the English East India Company by the Nawaub Vizier, or which shall be hereafter enacted, agreeably to the forms prescribed by the said regulation, for the administration of justice in the territories aforesaid, ceded to the East India Company by the Peishwah and Dowlut Rao Scindiah, or acquired by the British Government.

Court of circuit to be guided in its decisions and proceedings by the regulations enacted conformably to Regulation I, 1803, for the administration of justice in criminal cases.

VII. A magistrate shall be appointed in each of the zillahs specified in Sections III and IV, who shall exercise the powers now vested in the magistrates of the zillahs in the provinces ceded to the English East India Company by the Nawaub Vizier, under the regulations passed and published conformably to the rules

A magistrate to be appointed to each of the zillahs specified in Sections III and IV, with the same powers as are vested in the magistrates in the provinces ceded to the

prescribed

Company by the Nawaub Vizier.

preſcribed in Regulation I, 1803. or ſuch other powers as may be hereafter veſted, by any regulation ſo paſſed and publiſhed in the magiſtrates of the zillahs included in the territories ceded to the Engliſh Eaſt India Company by the Peiſhwah and Dowlut Rao Scindiah, or acquired as aforeſaid.

The Governor General in Council competent, by an order in Council, to make alterations in the limits of the zillahs aforeſaid, or to form additional zillahs of the territories in queſtion.

VIII. It ſhall be competent for the Governor General in Council, by an order in Council, to make any alteration in the limits of the zillahs ſpecified in the preceding ſections, or to make any annexations to the ſaid zillahs, or ſeparations from them which ſhall hereafter appear to him to be adviſable, or to form any part of the territories aforeſaid into additional zillahs.

Magiſtrates to have charge of the police, and to ſtation darogahs of police where neceſſary.

IX. The magiſtrates ſhall have the charge of the police of the country; and ſhall ſtation darogahs of police in thoſe parts of their reſpective zillahs, in which the aid of ſuch officers ſhall be neceſſary for the maintenance of the peace of the country, in the ſame manner as the magiſtrates in the provinces ceded to the Engliſh Eaſt India Company by the Nawaub Vizier are empowered to nominate darogahs of police within their reſpective zillahs. The magiſtrates ſhall be guided by the regulations, now in force, regarding the police in the provinces ceded to the Engliſh Eaſt India Company by the Nawaub Vizier, or ſuch other regulations, applicable to their reſpective zillahs, as may be hereafter enacted: provided, however, that this regulation ſhall not be conſtrued to exonerate the zemindars, farmers, or other holders of lands, in the ſaid zillahs, from the duties and reſponſibility impoſed on them by the terms of their exiſting engagements, or by the ancient and eſtabliſhed uſages of the country; which may not have been ſuperſeded by ſuch engagements, or by an order of a competent authority, for the prevention of robberies and other diſorders, and for the maintenance of peace and good order within their reſpective limits. Such zemindars, farmers, and other holders of lands ſhall continue to perform ſuch duties, and be liable to ſuch reſponſibility,

All exiſting and future regulations regarding the police within the provinces ceded to the Company by the Nawaub Vizier, conſidered to extend to the territories aforeſaid, unleſs ſpecially excepted.

This regulation not to exonerate the zemindars, &c. in the ſaid territories from the duties and reſponſibility impoſed on them by the terms of their tenures and the uſages of the country.

lity, notwithſtanding any thing which may be ſaid to the contrary in any regulation enacted previouſly to the date of this regulation.

The magiſtrate of Bundlecund to exerciſe the duties of police, under the ſuperintendance of the commiſſioners in that province, who are alſo to exerciſe the powers of magiſtrates.

The appointment of darogahs of police by the magiſtrate of Bundlecund to be ſubject to the ſanction of the commiſſioners.

X. The magiſtrate of the zillah of Bundlecund, ſhall exerciſe the duties of the police of the zillah under the ſuperintendance of the commiſſioners appointed to ſuperintend the adminiſtration of the affairs of that zillah, who are likewiſe hereby authorized, jointly and ſeverally, to exerciſe the powers of magiſtrates throughout the limits of the zillah. The appointment of darogahs of police, by the magiſtrate of the zillah of Bundlecund, ſhall be ſubject to the ſanction of the commiſſioners.

Magiſtrates of the zillahs ſpecified in Section III, and the Bareilly court of circuit, not to take cognizance of crimes committed previouſly to the 30th December 1803.

Magiſtrate of Bundlecund, and the Benares court of circuit, not to take cognizance of crimes committed previouſly to the 16th December 1803.

XI. This regulation ſhall not be conſtrued to empower the magiſtrates of the zillahs ſpecified in Section III, or the court of circuit for the diviſion of Bareilly, to take cognizance of any crimes or offences committed previouſly to the 30th of December 1803, the date of the treaty concluded between the Britiſh Government and Dowlut Rao Scindiah by which the territories included in thoſe zillahs were ceded to the Honorable the Engliſh Eaſt India Company; nor to empower the magiſtrate of the zillah of Bundlecund, or the court of circuit for the diviſion of Benares, to take cognizance of any crimes or offences committed previouſly to the 16th of December 1803, the date when the article was added to the treaty concluded at Baſſein, between the Britiſh Government and the Peiſhwah, by which certain territory in Bundlecund was ceded to the Honorable the Engliſh Eaſt India Company; nor to empower any of the magiſtrates or courts of circuit aforeſaid to take cognizance of any crimes or offences committed in the territories acquired by the Britiſh Government as aforeſaid, previouſly to the date of their acquiſition; nor to empower the court of circuit for the diviſion of Bareilly, or the court of circuit for the diviſion of Benares, or the Nizamut Adawlut, to paſs any ſentence on perſons convicted of crimes or offences committed between the aforeſaid dates (according as the

What ſentences may be paſſed on perſons convicted of crimes committed between the dates above ſpecified and the promulgation of this regulation.

crimes

crimes and offences ſhall be committed within the zillahs reſpectively to which the ſaid dates are declared to apply) and the date of the promulgation of this regulation, excepting the ſentence to which ſuch perſons would have been ſubject under the Mahomedan law, as it prevailed within the limits of the ſaid zillahs, during the aforeſaid period; provided, however, that in caſes in which the ſaid ſentence ſhall not extend to life or limb, or to impriſonment for life, the court of circuit, in the event of the charge being proved to it's ſatisfaction, ſhall be at liberty to direct the ſaid ſentence to be carried into execution, or to mitigate the puniſhment to ſuch extent as it ſhall deem proper on a conſideration of the circumſtances of the caſe; and provided alſo, that in caſes, in which the ſaid ſentence ſhall extend to the loſs of a limb or limbs, the court of circuit, provided the charge ſhall be proved to it's ſatisfaction, ſhall be at liberty to commute the ſentence, when it ſhall adjudge the priſoner to loſe two limbs, for impriſonment and hard labour for fourteen years, and to commute the ſentence, when it ſhall adjudge the priſoner to loſe one limb, for impriſonment and hard labour for ſeven years; directing the ſentence to be carried into execution, or mitigating the puniſhment to ſuch extent as it ſhall judge proper, on a conſideration of the circumſtances of the caſe; and provided likewiſe, that in caſes in which the ſentence ſhall adjudge the priſoner to ſuffer the puniſhment of death, or of impriſonment for life, or the court of circuit ſhall diſapprove of any part of the proceedings held on the trial, or of the futwah delivered by the law officers, the proceedings of the court of circuit, with the opinion of the court on the merits of the caſes ſo referred, ſhall be tranſmitted to the Nizamut Adawlut, which court, if the charge ſhall have been proved againſt the priſoner to it's ſatisfaction, ſhall direct ſuch puniſhment to be carried into execution, or commute, or mitigate the ſame, or recommend the priſoner to the Governor General in Council for mercy, according as ſhall appear to the court to be proper, on a conſideration of the circumſtances of the caſe.

Court of circuit empowered to order ſuch ſentences to be carried into execution in certain caſes,

and to commute ſentences which ſhall extend to the loſs of a limb or limbs for impriſonment and hard labour for limited periods of time.

Court of circuit to report to the nizamut adawlut in caſes where ſuch ſentences ſhall adjudge the priſoner to ſuffer death or impriſonment for life, or where the court of circuit ſhall diſapprove of the proceedings or the futwah.

Nizamut adawlut to confirm ſuch ſentences, to commute or mitigate the ſame, or to recommend the priſoner to the Governor General in Council for mercy, according as the court ſhall judge proper.

XII.

XII. The dates preſcribed in Section XI, for the retroſpective operation of this regulation, ſhall not be conſtrued to extend to certain pergunnahs, ſeparated from the zillahs of Moradabad and Etawah, and annexed to the zillah of Allyghur, conformably to the orders paſſed by the Governor General in Council, under date the 27th of November 1804. The date preſcribed in Section XXXIV, Regulation VI, 1803, reſpecting the cognizance of crimes, or offences committed in the provinces ceded by the Nawaub Vizier to the Engliſh Eaſt India Company, ſhall be conſidered to be ſtill applicable to thoſe pergunnahs.

The dates preſcribed in Section XI, not to be applied to certain pergunnahs ſeparated from Moradabad and Etawah, and annexed to Allyghur.

the date ſpecified in Section XXXIV, Regulation VI, 1803, to be ſtill applicable to thoſe pergunnahs.

A. D. 1804. REGULATION X

A REGULATION *for declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the State by the sentence of Courts Martial.*—PASSED *by the Governor General in Council, on the* 14*th December* 1804*; corresponding with the* 1*st Poos* 1211 *Bengal era; the* 27*th Aughon* 1212 *Fussily; the* 1*st Poos* 1212 *Willaity; the* 27*th Aughon* 1861 *Sumbut; and the* 11*th Ramzaan* 1219 *Higeree.*

Preamble.

WHEREAS during wars in which the British government has been engaged against certain of the native Powers of India certain persons owing allegiance to the British government have borne arms, in open hostility to the authority of the same, and have abetted and aided the enemy, and have committed acts of violence and outrage against the lives and properties of the subjects of the said government; And whereas it may be expedient that during the existence of any war in which the British government in India may be engaged with any power whatever, as well as during the existence of open rebellion against the authority of the government, in any part of the British territories, subject to the government of the presidency of Fort William,

William, the Governor General in Council ſhould declare and eſtabliſh martial law, within any part of the territories aforeſaid, for the ſafety of the Britiſh poſſeſſions, and for the ſecurity of the lives and property of the inhabitants thereof, by the immediate puniſhment of perſons owing allegiance to the Britiſh Government, who may be taken in arms, in open hoſtility to the ſaid Government, or in the actual commiſſion of any overt act of rebellion againſt the authority of the ſame, or in the act of openly aiding and abetting the enemies of the Britiſh Government, within any part of the territories above ſpecified; the following regulation has been enacted by the Governor General in Council, to be in force, throughout the Britiſh territories immediately ſubject to the government of the preſidency of Fort William, from the date of it's promulgation.

The Governor General in Council, in time of war, or during the exiſtence of rebellion, empowered to ſuſpend, or to direct any public authority or officer to ſuſpend, the functions of the ordinary criminal courts of judicature, in any diſtrict, city, or other place within the Britiſh territories, and to eſtabliſh martial law therein;

and to direct the immediate trial by courts martial, of all perſons owing allegiance to the Britiſh government, who ſhall offend againſt this regulation.

II. The Governor General in Council is hereby declared to be empowered to ſuſpend, or to direct any public authority, or officer, to order the ſuſpenſion of, wholly or partially, the functions of the ordinary criminal courts of judicature, within any zillah, diſtrict, city, or other place, within any part of the Britiſh territories, ſubject to the government of the preſidency of Fort William, and to eſtabliſh martial law therein, for any period of time, while the Britiſh government in India ſhall be engaged in war with any native or other power; as well as during the exiſtence of open rebellion againſt the authority of the government, in any part of the territories aforeſaid; and alſo to direct the immediate trial, by courts martial, of all perſons owing allegiance to the Britiſh government, either in conſequence of their having been born, or of their being reſidents, within it's territories, and under it's protection, who ſhall be taken in arms, in open hoſtility to the Britiſh government, or in the act of oppoſing by force of arms the authority of the ſame, or in the actual commiſſion of any overt act of rebellion againſt the State, or in the act of openly aiding and abetting the enemies of the Britiſh Government, within any part of the ſaid territories.

III.

III. It is hereby further declared, that any perſon born, or reſiding, under the protection of the Britiſh government, within the territories aforeſaid, and conſequently owing allegiance to the ſaid government, who, in violation of the obligations of ſuch allegiance, ſhall be guilty of any of the crimes ſpecified in the preceding ſection, and who ſhall be convicted thereof, by the ſentence of a court martial, during the ſuſpenſion of the functions of the ordinary criminal courts of judicature and the eſtabliſhment of the martial law, ſhall be liable to the immediate puniſhment of death, and ſhall ſuffer the ſame accordingly, by being hung by the neck 'till he is dead. All perſons who ſhall, in ſuch caſes, be adjudged, by a court martial, to be guilty of any of the crimes ſpecified in this regulation, ſhall alſo forfeit to the Britiſh government all property and effects, real and perſonal, which they ſhall have poſſeſſed within it's territories, at the time when the crime, of which they may be convicted, ſhall have been committed.

Perſons owing allegiance to the Britiſh government, who ſhall be convicted, by the ſentence of a court martial, of any of the crimes ſpecified in the foregoing ſection, ſhall be liable to the immediate puniſhment of death;

and to the forfeiture of their property and effects.

IV. The Governor General in Council ſhall not be precluded, by this regulation, from cauſing perſons charged with any of the offences, deſcribed in the preſent regulation, to be brought to trial, at any time, before the ordinary courts of judicature, or before any ſpecial court appointed for the trial of ſuch offences, under Regulation IV, 1799, and Regulation XX, 1803, inſtead of cauſing ſuch perſons to be tried by courts martial, in any caſes wherein the latter mode of trial ſhall not appear to be indiſpenſibly neceſſary.

The Governor General in Council not precluded by this regulation, from cauſing perſons, charged with any of the offences deſcribed in it, to be brought to trial before the ordinary courts of juſtice, or before any ſpecial court.

A. D. 1804. REGULATION XI.

A REGULATION *for reſcinding Regulation* XXXVIII, 1803, *and for providing rules for the collection of the Government customs, in the provinces ceded to the Honorable the Engliſh East India Company by the Nawaub Vizier; and in the conquered provinces, ſituated within the Dooab, and on the right bank of the river Jumna; including the territory in Bundlecund, ceded to the Honorable the Engliſh East India Company by the Peiſhwah.*—PASSED *by the Governor General in Council, on the* 14*th December* 1804; *correſponding with the* 1*ſt Poos* 1211 *Bengal era; the* 27*th Aughun* 1212 *Fuſſily: the* 1*ſt Poos* 1212 *Willaity; the* 27*th Aughun* 1861 *Sumbut; and the* 11*th Ramzan* 1219 *Higeree.*

Preamble.

WHEREAS it is provided, in the firſt article of the proclamation publiſhed by the Honorable the late Lieutenant Governor and the Board of Commiſſioners in the provinces ceded by the Nawaub Vizier to the Honorable the Engliſh East India Company, under date the 14th day of July 1802, relative to the ſettlement

settlement of the revenue in the said provinces, that, from the commencement of the year 1210 Fussily, the sayer of every denomination shall be separated from the mâl, or land revenue, and that a settlement shall be concluded for the land revenue only: And whereas an arrangement, subject to the approbation of the Governor General in Council, was adopted by the late provisional Government in the provinces aforesaid, under date the 9th of January 1803, abolishing, from the 1st of February 1803, all rahdarry or transit duties, formerly levied in the said provinces, and establishing, in lieu thereof, regular and defined customs or duties upon the imports and exports in those provinces: And whereas, by the abovementioned arrangement, provision was also made for the continuance of certain duties levied, on account of Government, on goods and articles sold in the bazars and gunges in the aforesaid provinces: And whereas, by Regulation XXXVIII, 1803, the provisional rules adopted, under the said arrangement, were enacted into a regulation: And whereas, it has been deemed to be advisable, that the regulation enacted for the collection of the Government customs in the ceded provinces, with certain exceptions, alterations, and amendments, shall be extended to the conquered provinces in the Dooab, and on the right bank of the river Jumna, and to the other territories on the right bank of the said river, which have been added to the dominions of the English East India Company; the following rules have been accordingly enacted.

Regulation XXXVIII, 1803, rescinded.

II. Regulation XXXVIII, 1803, for the abolition of all rahdarry or transit duties, in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, and for the collection of the Government customs, and the gunge duties, in the said provinces, is hereby rescinded.

All duties, under the denomination of sayer, and all other duties not authorized by this or

III. All duties levied, under the denomination of sayer, rahdarry, zemindarry, or any other denomination, which constitute a tax on the transport, export, or import of goods, or merchandize, of

any

any description, through, from or into the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company; and all other duties not authorized by this regulation, or by any other regulation which shall be hereafter enacted, and printed and published, in the manner prescribed by Regulation I, 1803; are hereby declared to be abolished.

any other regulation, abolished in the provinces ceded by the Nawaub Vizier.

IV. All duties levied, under the denomination of sayer, rahdarry, zemindarry, or any other denomination, which constitute a tax on the transport, export, or import of goods, or merchandize, of any description, through, from or into the territories ceded to the Honorable the English East India Company by Dowlut Rao Scindiah, situated within the Dooab (or country lying between the rivers Ganges and Jumna) and on the right bank of the river Jumna, (with the exception of the city of Delhi and the territory on the right bank of the Jumna, the revenues of which are assigned to His Majesty Shah Alum) and the territory in Bundlecund, situated on the right bank of the river abovementioned, ceded to the Honorable the English East India Company by the Peishwah, which shall not be authorized by this regulation, or by any other regulation which shall be hereafter enacted, and printed and published, in the manner prescribed by Regulation I, 1803; shall be abolished in the said territories, from the commencement of the ensuing Fussily year 1213.

All duties, under the denomination of sayer and all other duties not authorized by this or any other regulation, abolished in the provinces and territory, ceded by Dowlut Rao Scindiah and the Peishwah, in the Dooab and on the right bank of the Jumna, from and after the commencement of the year 1213 Fussily, with certain exceptions.

V. Custom houses shall be established in the zillahs of Goruckpore, Allahabad, Cawnpore, Etawah, Furruckabad, Bareilly, and Moradabad; and also in the zillahs of Allyghur, Agra, in the northern and southern division of the zillah of Saharuppore, and in the zillah of Bundlecund; for the collection of the Government customs, upon the importation and exportation of the articles hereafter specified, at the rates prescribed by this regulation.

Custom houses established in the several zillahs in the ceded and conquered provinces, for the collection of Government customs on imports and exports.

VI.

Competent to Governor General in Council, by an Order in Council, to suspend the operation of this regulation, in certain cases, and to determine the places at which custom houses shall be established.

VI. It shall be competent to the Governor General in Council, by an order in Council, to suspend the operation of the present regulation in any of the zillahs in the conquered provinces in the Dooab, or in any of the zillahs, or in any portions of zillahs, situated on the right bank of the river Jumna, in the event of circumstances appearing to him to render it advisable to postpone the operation of the regulation in any of the said zillahs, or portions of zillahs. It shall also be competent, at all times, to the Governor General in Council, by an Order in Council, to determine the places at which the custom houses shall be established.

Places at which custom houses shall be established.

VII. The custom houses established, under this regulation, for the collection of the Government customs, shall be fixed in the cities of Allahabad, Furruckabad, Bareilly and Agra, and in the towns of Goruckpore, Moradabad, Cawnpore, Etawah, Coel, Merut, and Saharunpore, and in the principal town in the zillah of Bundlecund.

Government customs to be levied by officers, to be denominated collectors of the Government customs, in the zillahs in which such officers shall be respectively established.

VIII. *First.* The Government customs, to be levied at the custom houses established by Section V, shall be levied by officers, to be severally denominated, collectors of the Government customs in the zillahs of Etawah, Allahabad, Cawnpore, Furruckabad, Agra, Allyghur, Saharunpore, Moradabad, Bareilly, Goruckpore, and Bundlecund, according to the zillah, in which such officers shall be respectively established.

The custom houses in the zillahs of Etawah and Allahabad subject to the authority of the collector of Government customs at Cawnpore, with a deputy in each of those zillahs. The custom house in the zillah of Agra subject to the authority of the collector of Government customs at Furruckabad, with a deputy in the former zillah.

Second. The custom houses in the zillahs of Etawah and Allahabad shall be subject to the authority of the collector of the Government customs at Cawnpore, with a covenanted civil servant, as his deputy, to be stationed in the zillah of Etawah, and a covenanted civil servant, as his deputy, in the zillah of Allahabad. The custom house in the zillah of Agra shall be subject to the authority of the collector of the Government customs at Furruckabad, with a covenanted civil servant, as his deputy, to be stationed in the zillah of Agra.

Third.

BENGAL SECRETARIAT LIBRARY

Third. The Government customs in the zillahs of Allyghur, Saharunpore, Moradabad, Bareilly, Goruckpore and Bundlecund, shall be levied by the officers holding the appointment of collectors of the revenue in those zillahs. The collector of the Government customs in the zillah of Saharunpore shall be aided by his head assistant, under the denomination of deputy collector of the Government customs in the zillah abovementioned, in the collection of the Government customs in that zillah. The deputy shall be stationed in the northern or southern division of the zillah of Saharunpore, according as the collector shall be absent from either of those divisions.

The Government customs in certain zillahs to be levied by the officers holding the appointment of collectors of the revenue.

The head assistant to the collector of Saharunpore to be deputy collector of the Government customs in that zillah.

IX. The collectors of the Government customs established by this regulation within the ceded and conquered provinces, and their respective deputies, shall be subject to the authority of the Board of Trade at the Presidency.

The collectors of the Government customs, and their deputies, subject to the authority of the Board of Trade.

X. The collectors of the Government customs in the ceded and conquered provinces shall use a square seal, two inches in diamater; bearing an inscription, to the following effect, in the Persian character and language, and in the Hindoostanee language and Nagree character:—"The seal of the collector "of the customs of the zillah of ." The seal of each custom house shall remain in the custody of the collector of the Government customs, and in that of the deputy collector in zillahs in which an officer of that description shall be stationed.

Description of the seal to be used by the collectors of the Government customs and their deputies.

XI. Previously to entering upon the execution of the duties of their respective offices, the collectors of the Government customs, and their respective deputies, above specified, shall severally take and subscribe the following oath before the Governor General in Council, or any person whom he may empower to administer the same:—"I, A. B. do solemnly swear, that I will faithfully discharge the duty of collector of the

Form of oath to be subscribed by collectors of the Government customs and their deputies.

the Government cuſtoms at ; that I will not, directly or indirectly, by myſelf or others, be concerned in, or allow of any collections being made, but ſuch as are or may be hereafter authorized by and brought to the credit of Government; that I will not be concerned, directly or indirectly, in the purchaſe of any goods or commodities in the Britiſh dominions ſubject to the immediate authority of the Preſidency of Fort William in Bengal, for the purpoſe of remitting money to Europe, nor in any commercial tranſaction; that I will not take or receive, or knowingly allow any perſon to take or receive, any preſent, gratuity, fee, or advantage whatever, on account of any matter relating to the duty of my office, excepting ſuch as now is or may be hereafter authorized by the Governor General in Council."

"So HELP ME GOD."

During what time the cuſtom houſes ſhall be open.

XII. The ſeveral cuſtom houſes ſhall be open, for the tranſaction of buſineſs, every day (Sundays excepted) from ten o'clock in the morning, until four o'clock in the afternoon.

Rules for ſtationing cuſtom houſe chokies.

XIII. The collectors of the Government cuſtoms ſhall reſpectively eſtabliſh cuſtom houſe chokies at ſuch places as may be deemed neceſſary, ſubject to the approbation of the Board of Trade and of the Governor General in Council. If the Board of Trade ſhall, at any time, be of opinion, that it will be adviſable to encreaſe or diminiſh the number of the ſaid chokies, or to change their ſituation, that Board ſhall ſubmit their opinion to the Governor General in Council, who will paſs ſuch orders on the ſubject as he ſhall judge proper. The Board of Trade, and the collectors are, however, enjoined to be careful, that cuſtom houſe chokies are not eſtabliſhed, generally, throughout the ſeveral zillahs ſpecified in this regulation; but that ſuch chokies be confined to the principal routes, ghauts and ſtations, by which the import and export trade of the ceded and conquered provinces is uſually conducted.

XIV.

XIV. No duty or collection whatever ſhall be levied at any chokey. The duty of the officers of the chokies ſhall be confined to the detention of goods liable to duty paſſing within the limits of their chokey unaccompanied by proper rowannahs, or of goods which may not correſpond with the rowannahs. All duties ſhall be paid at the ſtations of the collectors of the cuſtoms, or their deputies, by whom rowannahs are to be granted.

No duty or collection whatever to be levied at any chokey. All duties to be made at the ſtations of the collectors or their deputies.

XV. *Firſt.* Duties ſhall be levied at the following rates on the goods hereafter ſpecified. After the payment of ſuch duties, the goods ſhall not be ſubject to any further duties in paſſing through the zillahs ſpecified in Section V, with an exception to the duties levied, on account of Government, on articles ſold in the bazars and gunges within the ſaid zillahs, as provided for in Section XIX, of this regulation.

At what rates duties ſhall be levied.

Second. Cotton, on importation into the zillahs ſpecified in Section V, from the territory of any foreign ſtate ſituated on the right bank of the river Jumna, (with the modifications contained in the three following clauſes,) ſhall be ſubject to the payment of an import duty, at the rate of eight annas per maund, each ſeer of the ſaid maund to weigh ninety-ſix ſicca rupees. All cotton, whether produced in, or imported into, the ceded or conquered provinces, on exportation from thoſe provinces, ſhall be ſubject to the payment of a further duty, at the rate of four annas per maund, each ſeer of the ſaid maund to weigh ninety-ſix ſicca rupees.

Rates of duty on the importation and exportation of cotton.

Third. In inſtances in which cotton ſhall be imported into any of the zillahs ſituated on the right bank of the river Jumna, from the territory of any foreign ſtate, for ſale in thoſe zillahs, or for exportation from thence by land, into the province of Benares, the preſcribed import duty on ſuch cotton ſhall be paid to the collectors of the Government cuſtoms in the reſpective

Rule for levying the duty on cotton, when imported for ſale in the zillahs on the right bank of the Jumna, or for tranſportation by land to the province of Benares.

tive zillahs, and a rowannah covering the cotton ſhall be obtained, before the cotton will be permitted to paſs the chokies eſtabliſhed on the frontier of the ſaid zillahs. When the cotton ſhall be exported by land, to the province of Benares, the preſcribed export duty ſhall alſo be levied by the collector of the Government cuſtoms in the zillah from which the cotton ſhall be exported.

Rule for levying the duty on cotton, when imported for tranſportation to the lower provinces by the river Jumna,

Fourth. In inſtances in which cotton ſhall be imported into any of the zillahs ſituated on the right bank of the river Jumna, from the territory of any foreign ſtate, for the purpoſe of being tranſported by that river to the lower provinces, the eſtabliſhed import duty ſhall not be demanded or levied, until the arrival of the cotton at Allahabad, when both the import and the export duty ſhall be levied at the cuſtom houſe at that ſtation. Whenever cotton of the above deſcription ſhall be imported into any of the zillahs ſituated on the right bank of the river Jumna, for the purpoſe of being tranſported acroſs that river, whether for ſale within the ceded or conquered provinces, or for exportation from thence, the eſtabliſhed import duty ſhall not be demanded or levied, until the arrival of the cotton at the Jumna. In ſuch caſes, the owner of the cotton, or his authorized agent, or the perſon in charge of the cotton, ſhall apply for a rowannah to the collector of the Government cuſtoms at Cawnpore or Furruckabad, (according as the cotton ſhall be oppoſite to, or within the limits of, the chokies or ſtations of thoſe officers reſpectively) by whom the duty ſhall be levied, and the rowannah ſhall be granted: And the preſcribed duty ſhall be paid, and the rowannah covering the cotton ſhall be obtained, before the cotton will be permitted to croſs the Jumna.

or for the purpoſe of being tranſported acroſs that river,

In all other caſes, the import duty to be levied before the goods paſs the frontier of the zillahs on the right bank of the Jumna.

Fifth. With the exceptions ſpecified in the foregong clauſe, the eſtabliſhed duty ſhall be paid, and a rowannah obtained, before goods imported into the zillahs ſituated on the right bank of the river Jumna, from the territory of any foreign ſtate, will be

be permitted to paſs the chokies eſtabliſhed on the frontier of thoſe zillahs.

Sixth. No additional duty ſhall be levied on the importation of cotton into the diſtricts of Goruckpore, Azimghur, Mahole or Nawaub Gunge; whether imported through the dominions of the Nawaub Vizier, or through the province of Benares.

Cotton imported into Goruckpore, Azimghur Mahole or Nawaub Gunge, not ſubject to any additional duty.

Seventh. Piece goods of every deſcription imported from the dominions of the Nawaub Vizier, for ſale in the ceded or conquered provinces; and all piece goods imported into thoſe provinces, from the territory of any foreign State, whether intended for ſale in the ſaid provinces, or for exportation from thence, ſhall be ſubject to the payment of an import duty, at the rate of half an anna on each piece of cloth, when the value of ſuch cloths ſhall not exceed two rupees per piece. When the cloths ſhall exceed the value of two rupees per piece, each piece ſhall be ſubject to the payment of an import duty of one anna.

Rates of duty to be levied on the importation of piece goods.

Eighth. Piece goods imported into, or manufactured in, the ceded or conquered provinces, ſhall be ſubject, on exportation from thoſe provinces, to the payment of a duty, at the rate of one anna for each piece of cloth; when the value of the cloth ſhall not exceed two rupees per piece. If the value of the cloth ſhall exceed two rupees, but ſhall not exceed four rupees per piece, the cloth ſhall be ſubject to the payment of an export duty, at the rate of two annas per piece. If the value of the cloth ſhall exceed four rupees, the cloth ſhall be ſubject to the payment of an export duty, at the rate of four annas per piece. Theſe export duties ſhall be levied, whether ſuch piece goods be intended for exportation to the dominions of the Nawaub Vizier, or to the territory of any foreign State, or to the provinces of Benares, Behar, Bengal or Oriſſa.

Rates of duty to be levied on the exportation of piece goods.

Ninth. Indigo, on being imported from the dominions of

Rates of duty to be levied on Indigo

the

Importation and exportation of indigo.

the Nawaub Vizier, for ſale in the ceded or conquered provinces, and all indigo imported into the ſaid provinces from the territory of any foreign State, whether intended for ſale within thoſe provinces, or for exportation from thence, ſhall be ſubject to the payment of an import duty, at the rate of five rupees per maund, of ninety ſix ficca weight to the ſeer. All indigo, whether the ſame ſhall have been manufactured in, or imported into, the ceded or conquered provinces, ſhall be ſubject, on exportation from thoſe provinces, to the payment of a further duty of five rupees per maund, of ninety ſix ficca weight.

Rates of duty to be levied on the importation and exportation of ſugar, ſugar candy, jaggree and molaſſes.

Tenth. Sugar, ſugar candy, jaggree and molaſſes, of every deſcription, when imported from the dominions of the Nawaub Vizier, for ſale in the ceded and conquered provinces; and all ſugar, ſugar candy, jaggree, and molaſſes, of every deſcription, which may be imported into the ſaid provinces, from the territory of any foreign State, whether intended for ſale in thoſe provinces, or for exportation from thence; ſhall be ſubject to the payment of an import duty, at the rate of two annas per maund, of ninety ſix ficca weight to the ſeer, if not exceeding the value of four rupees per maund. If ſuch ſugar, ſugar candy, jaggree or molaſſes, ſhall exceed the value of four rupees per maund, it ſhall be ſubject to the payment of an import duty, at the rate of four annas per maund. Sugar, ſugar candy, jaggree and molaſſes, whether the ſame ſhall have been imported into, or manufactured in, the ceded or conquered provinces, on exportation from thoſe provinces, ſhall be ſubject to the payment of a further duty of two annas per maund, of ninety ſix ficca weight to the ſeer, when the ſame ſhall not exceed the value of four rupees per maund. When exceeding the value of four rupees per maund, ſuch ſugar, ſugar candy, jaggree and molaſſes, on being exported, ſhall be ſubject to the payment of an export duty, at the rate of four annas per maund.

Liſt of other articles ſubject to

Eleventh. The articles ſpecified in the following liſt, on importation

portation from the dominions of the Nawaub Vizier, for ſale in the ceded or conquered provinces, or on being imported into the ſaid provinces from the territory of any foreign State, whether intended for ſale in thoſe provinces, or for exportation from thence, ſhall be ſubject to the payment of a duty of five per cent on the value of the reſpective articles. duty on importation, and at what rate.

Tobacco.

Bettle-nut (ſooparry).

Cutch or cuth (terra japonica).

Ghee.

Pimento (or all ſpice), black pepper, long pepper, cardamums, cloves, mace, cinnamon, nutmegs, caſſia, cummin-ſeed and aniſeed, and ſpices of every deſcription.

Muſtard-ſeed oil, cocoanut oil and vegetable oils, and oil ſeeds of every deſcription.

Embroidered goods (keemkhabs, &c.)

Gold and ſilver lace.

Cotton yarn.

Chunam.

Hides.

Soap and tallow.

Braſs and copper utenſils.

Stone plates.

Charcoal.

Raw ſilk.

Salt-petre.

Turmeric.

Roſe water.

Wax and wax candles.

Shawls.

Carpets, (ſetringees and ghalechas.)

Paper, the manufacture of the Britiſh territories under the immediate Government of the Preſidency of Fort William.

Sulphur.

Shell lac and ſtick lac.

Aſſafœtida

Aſſafœtida.
Dammer.
Houſehold furniture, of all ſorts.
Gunnies, gunny bags, and chutta.
Blankets.
Elephant's teeth.
Buffalo horns.
Safflower, or cooſſum flower.
Shoes and ſlippers, of all ſorts.
Mogul caps,
Hooka ſnakes.
Sandal wood.
Red wood.
Gold and ſilver thread.
Tincal.
Borax.
Leather, of all ſorts.
Iron, and manufactured iron of all ſorts.
Gums of all ſorts.
Nux vomica.
Soojymuttry.
Otta of roſes, and otta of all ſorts.
Tootea.
Sal-ammoniac.
Vidry ware.
Dry ginger.
Cow tails,
Butch,
Jungall or verdigreaſe.
Sindoor, or country red lead.

Rate of duty on the exportation of the foregoing articles.

Twelfth. All the articles ſpecified in the foregoing liſt, whether imported into the ceded or conquered provinces, or produced or manufactured therein, ſhall be ſubject, on exportation from thoſe provinces, to a further duty of two and a half per cent on the value of the reſpective articles.

XVI. In cases in which the duties established by this regulation are directed to be levied on the value of the goods, such value shall be specified in books, which shall be open, for public inspection, at the several custom houses. The collectors of the Government customs in the ceded and conquered provinces are accordingly required to prepare and submit, with all practicable expedition, to the Board of Trade, for the approbation of the Governor General in Council, a book of rates, specifying the value of the several articles chargeable with duty, ad valorem, under the present regulation.

Duties levied on the value of the goods to be regulated by books of rates, to be prepared for that purpose.

XVII. *First.* The duties on goods imported into the ceded or conquered provinces, from the provinces of Bengal, Behar or Benares, which shall be imported by the route of Allahabad, shall be collected at the custom house at that station; and the rate of duty, and the valuation of the goods on which the duty is to be levied, shall be the same as the rate of duty and valuation of the goods specified in the rowannah granted from the custom house at Benares. The duties on goods imported into the zillah of Goruckpore, from the provinces of Bengal, Behar or Benares, shall, in like manner, be levied by the collector of the Government customs in that zillah, conformably to the rates and duties specified in the rowannah granted from the Benares custom house. On the importation of goods into the zillah of Goruckpore, from the provinces of Bengal, Behar or Benares, upon which no duty shall have been paid at the Benares custom house; the goods shall be subject to the payment of the same import duty, to which they would have been liable, had they been rendered subject to the payment of the prescribed duty at the custom house at Benares; that is to say, at the rate of two and one-half per cent on the value of the goods imported. In such case, the goods shall be valued by the book of rates referred to in Section XVI. of this regulation.

Duties to be collected on goods imported into the ceded or conquered provinces, from the provinces of Bengal, Behar, or Benares, by the route of Allahabad, to be levied at that station, and at what rate.

Duties on similar goods imported into the zillah of Goruckpore, to be levied at that station, and at what rate.

Second. On the exportation of goods, of the descriptions specified in the foregoing clause, from the ceded or from the

Export duty to be levied on goods of the foregoing descriptions, and at what rate.

the conquered provinces, ſuch goods ſhall be ſubject to the payment of a further duty, equal to one-half of the duty ſpecified in the rowannah granted from the cuſtom houſes at Allahabad or Goruckpore; that is to ſay, at the rate of one rupee four annas per cent.

Goods produced or manufactured in the ceded or conquered provinces, ſubject to duty, if brought within the limits of any of the chokies or ſtations in thoſe provinces, and at what rates. No further duty to be paid, if the goods are exported.

XVIII. Any of the articles declared ſubject to the payment of Government duties, by this regulation, which ſhall have been produced or manufactured within the limits of the line of chokies, or ſtations, of the ſeveral collectors of the Government cuſtoms in the ceded or in the conquered provinces, and which ſhall be exported without the limits of the ſaid line of chokies, to any place within the limits of the line of chokies, or ſtations, in any other zillah in thoſe provinces; and alſo any of ſuch articles, which ſhall have been produced or manufactured in the ceded or in the conquered provinces, which ſhall be brought within the limits of any of the ſaid chokies or ſtations, and which ſhall not have paid the Government cuſtoms at any cuſtom houſe in the ſaid provinces; ſhall be ſubject to the payment of the ſame duty to which they would have been liable, under this regulation, on exportation from the ceded or conquered provinces. After the payment of the abovementioned duty, ſuch goods ſhall not be ſubject to any further duty in paſſing through the ceded and conquered provinces, or on exportation from thoſe provinces, with the exception of the gunge and bazar duties mentioned in Section XIX, of this regulation.

Nothing contained in this regulation to exempt goods from the eſtabliſhed gunge and bazar duties.

XIX. Nothing contained in this regulation ſhall be conſtrued to exempt goods, or other articles, ſold in the bazars and gunges, in the ceded and conquered provinces, from the payment of the eſtabliſhed gunge and bazar duties, now levied on account of Government. Such duties ſhall continue, for the preſent, to be collected at the uſual rates.

Goods exported from the dominions of the Nawaub Vizier ex-

XX. All goods, or articles of trade, exported from the dominions of the Nawaub Vizier, into the provinces of Benares, Behar,

Behar and Bengal, by the rivers Ganges or Gogra, shall be exempted from the payment of the Government customs in the ceded provinces. If landed in the ceded provinces for sale or barter, or other purpose, such goods or articles shall be subject to the payment of the duties established by this regulation.

exempted from duty, if transported down the rivers Ganges or Gogra.

Subject to duty, if landed for sale or other purpose.

XXI. For the purpose of promoting and encouraging a commercial intercourse with the inhabitants of the hills bordering on the province of Rohilcund and the zillah of Goruckpore, it is hereby declared, that no export duty shall be levied on commodities, the produce of, or imported into, the ceded or conquered provinces, which may be sold at the hill fairs; and that no import duty will be levied on articles brought from the hills, over and above the gunge and bazar duties, which may be established at such fairs.

No duties to be levied on goods bought or sold at the hill fairs, excepting the gunge and bazar duties.

XXII. Regulation VII, 1802, provides for the exemption of the undermentioned articles, imported into Bengal by sea, from the payment of any duty whatever, on their exportation to the territories ceded by the Nawaub Vizier to the English East India Company, or to the dominions of the Nawaub Vizier, after having paid the established customs at the custom houses of Calcutta, Hoogly, or Chittagong. The rule contained in the regulation aforesaid, is declared to extend, in like manner, to the exemption from all duty of the several articles hereafter specified, on their importation into any of the zillahs mentioned in Section V; or on exportation from the ceded or conquered provinces to the city of Delhi, or to the territory on the right bank of the Jumna, the revenues of which are assigned to his Majesty Shah Alum, or to the territory composing the jaghire of Rampore in Rohilcund. It is hereby further declared, that the said articles shall not be subject to the payment of any duty, on their being exported from the ceded or conquered provinces into the territory of any foreign State.

Certain articles imported into Bengal by sea, exempted from duty, on importation into the ceded or conquered provinces, or into the Rampore jaghire; or on exportation from the ceded or conquered provinces, to the city of Delhi and its dependencies, or to the territory of any foreign state.

Liquors

Liquors, of all kinds.
Cheeſes.
Hams.
Grocery.
Confectionary.
Oilman's Stores.
Tea.
China and Earthen ware.
Glaſs ware.
Tin and Japanned ware.
Hard ware.
Cutlery.
Ironmongery.
Hoſiery.
Broad Cloth ſuperfine, and Kerſeymere.
Buttons.
Shoes and Boots.
Hats.
Flannels.
Blankets.
Iriſh linen.
Manchester goods.
Great coats, and Boat cloaks.
Leather breeches, pantaloons, and gloves.
Millinery.
Nankeen cloth.
Coaſt cloths.
Perfumery.
Furniture.
Sadlery.
Books.
Stationery.

No duties to be levied on grain, bullion and jewels.

XXIII. *Firſt.* Grain of all deſcriptions, bullion and jewels of every deſcription, ſhall be exempted from the payment of all duties

duties, either on importation into, or exportation from, or in their tranſit through the ceded and conquered provinces. The perſons importing, or exporting, or tranſporting, any of the foregoing articles, ſhall not be ſubject to any demand, or any detention or moleſtation whatever.

Second. The undermentioned articles, and all other articles, not ſpecifically rendered liable to the payment of duties by the preſent regulation, or by any other regulation, which ſhall be hereafter enacted, and printed and publiſhed, in the manner preſcribed by Regulation I, 1803, are hereby declared to be exempt from the duties eſtabliſhed by the ſaid regulation, on importation into, or exportation from, the ceded or conquered provinces. Further articles exempt from duty.

Alimentary ſalt imported from the province of Benares, or the province of Behar.
Fruit and vegetables.
Firewood.
Indigo ſeed.
Pawn.
Bamboos.
Mats, of every deſcription.
Paddy and graſs.
Straw.
Gurran poſts, and gurran ſticks.
Tiles, (the ſort denominated khaprel.)
Pottery.
Horſes and animals, of every deſcription.
Opium purchaſed at the Company's ſales.

XXIV. The tranſportation of cannon, and of all deſcriptions of fire arms, or military ſtores, excepting on account of, or under a paſs from the Britiſh Government, being prohibited; the collectors, and all officers of the cuſtoms, are required to ſeize all ſuch cannon, arms, or ſtores, as ſhall be attempted to be tranſported in diſobedience to this prohibition. The cannon, arms or ſtores ſo ſeized, ſhall be liable to confiſcation. Officers of the cuſtoms required to ſeize all warlike ſtores attempted to be illegally tranſported. Such ſtores liable to confiſcation.

XXV.

Duties to be paid and rowannahs obtained previously to goods passing the chokies, otherwise the goods will be liable to seizure and confiscation.

XXV. All the duties payable under this regulation, shall be paid, and the rowannahs for covering the goods shall be obtained, previously to the goods passing, or attempting to pass any of the chokies dependant on the custom houses at which the duties are to be levied. Goods seized, after having passed, or in the attempt to pass the said chokies, without having paid the established duties, and without being accompanied by a rowannah, shall be liable to seizure and confiscation.

Rules for granting rowannahs or custom house passes.

XXVI. *First.* Rowannahs or custom house passes, shall be granted under the following rules.

How to be applied for.

Second. No rowannah shall be granted, excepting upon a written dirkhaust or application, signed by the proprietors of the goods, or their authorized agents, or the persons in charge of the goods. The dirkhaust shall specify the following particulars.

Particulars to be specified in the application.

The merchant's name.
The sort of goods.
The quantity of the goods.
The number and description of packages.
The value of the goods.
Whence brought or imported.
Whither proceeding.

Penalties for attempting to pass goods in larger quantities, or of superior value, to what is specified in the applications.

Third. Should any attempt be made to pass, at any custom house, a larger quantity of goods than that which is specified in the dirkhaust, or to pass goods of higher value than the value of the goods specified in the dirkhaust; in the former case, the whole of the goods shall be liable to confiscation; and, in the latter case, the goods shall be subject to double duty and double commission.

Rowannahs applied for before twelve o'clock, to be delivered the following day, and not later.

Fourth. Rowannahs, for which application may be made, on any day before twelve o'clock, shall be prepared and delivered at a period not later than the following day.

Fifth

Fifth. Every rowannah ſhall be ſigned and ſealed by the collector or deputy collector, the darogah, the muſhriff or accountant, and the tavildar or caſhkeeper; the latter of whom ſhall deliver the rowannah, upon the duties being paid.

By whom rowannahs are to be ſigned, ſaled and delivered.

Sixth. The darogah, the muſhriff, and the tavildar, ſhall each have the cuſtody of the ſeal of his office. Should either of the ſaid officers be convicted of allowing his ſeal to be removed from his poſſeſſion, he ſhall be ſubject, for the firſt offence, to a fine of twenty rupees; and for the ſecond offence, to diſmiſſion from his office, under the rules provided, in ſuch caſes, by Regulation V, 1804.

Penalties for native officers permitting their ſeals to go out of their poſſeſſion.

Seventh. The rowannahs ſhall be written in the Perſian languages, and in the Hindooſtanee language and Nageree character, and ſhall contain the following particulars.

Rowannahs in what languages to be written. Particulars to be ſtated in them.

The number of the rowannah.

The date of the rowannah.

The merchant's name.

The ſort of goods.

The quantity of the goods.

The number and deſcription of packages.

The value of the goods.

The rate of the cuſtoms.

The amount of the cuſtoms.

The rate and amount of the eſtabliſhed commiſſion collected over and above the amount of the cuſtoms, from whence the goods have been brought or imported, and whither proceeding.

Eighth. Commercial reſidents, or agents, and others, employed to provide goods for the Honorable Company's inveſtment, ſhall take out rowannahs to accompany the goods provided, on account of the Honorable Company's inveſtment, which are to paſs a cuſtom houſe ſtation. Such rowannahs ſhall be granted, upon official application for them being made in writing

Rowannahs to be taken out for goods for the Company's inveſtment. Such goods not liable to duty.

writing to the collectors, but no cuſtoms, commiſſion or fees, ſhall be levied on ſuch goods.

Regiſters of rowannahs to be kept at the ſeveral cuſtom houſes.

Ninth. Regiſters of all rowannahs granted to each cuſtom houſe ſhall be kept in the Engliſh and Perſian languages, and in the Hindooſtanee language and Nageree character, according to ſuch form as the Board of Trade ſhall preſcribe.

Rowannahs to be in force for one year only.

XXVII. *Firſt.* All rowannahs granted, under this regulation, ſhall be conſidered to be in force for one year only, calculating from the date on which they ſhall be reſpectively granted. After ſuch period, the goods covered by the ſaid rowannah, in the event of their being brought or moved within the limits of the chokies of any of the cuſtom houſes, eſtabliſhed by this regulation, within the ceded and conquered provinces, ſhall be again ſubject to the eſtabliſhed duties, in the ſame manner as if the duties on ſuch goods had never been paid.

Rowannahs granted at any one cuſtom houſe, to be current throughout the ceded and conquered provinces.

Second. A rowannah granted at any one cuſtom houſe, within the ceded or conquered provinces, ſhall be current, under the rules contained in this regulation, throughout thoſe provinces, and ſhall exempt the goods covered by it, in their paſſage to any place within the ſaid provinces, from the payment of any further duty, under this regulation, and from any detention for a period longer than may be requiſite to enable the officers of any other cuſtom houſe to aſcertain, whether the goods and the rowannah correſpond. The detention of the goods for this purpoſe ſhall never exceed one day. The collector, after having made the neceſſary examination, ſhall, if the goods correſpond with the rowannah, certify the ſame upon the back of the rowannah. If the collector ſhall find, that the merchant has taken up more goods, or any other goods in addition to thoſe ſpecified in the rowannah, the whole of the goods ſhall be liable to confiſcation. If the collector ſhall have reaſon to believe, that goods ſuperior in value to the value ſpecified in the rowannah are

Goods, accompanied by rowannahs, ſhall not be detained for examination more than one day.

penalties on diſcovery of deviations in quan-

attempted

attempted to be paſſed, under ſuch rowannah, he ſhall cauſe a part of the goods to be opened and examined in the public cutcherry, in his own preſence; and, if any ſuch fraud ſhall be diſcovered, the collector ſhall levy double duties and double commiſſion on the real value of the goods compoſing the whole diſpatch.

tity, or value, from the goods ſpecified in the rowannahs.

Third. The collector at each cuſtom houſe ſhall keep a regiſter of all rowannahs, granted at other cuſtom houſes, which ſhall accompany goods paſſing his ſtation, in the ſame form as the regiſter preſcribed to be kept of rowannahs granted by himſelf.

A regiſter to be kept at each ſtation of rowannahs, paſſing the ſtation, granted at other cuſtom houſes.

XXVIII. *Firſt.* Should a merchant be deſirous of dividing a diſpatch of goods into ſmaller quantities, after having taken out one rowannah for the whole, he ſhall be entitled, at any of the cuſtom houſes, to as many rowannahs as he may require, free of duty, on identifying the goods and ſurrendering the original rowannah: but a merchant, after arriving at the place of his deſtination, ſhall not be entitled to a new rowannah, free of cuſtoms, on the ground of his having tranſported only a part of a diſpatch of goods under the original rowannah.

A diſpatch of goods may be divided into ſmaller quantities, and rowannahs granted for thoſe quantities, free of duty, on certain conditions.

Second. It is declared, by Clauſe Firſt, Section XXVII, that a rowannah ſhall be conſidered to be in force for one year only. Should a merchant, however, be deſirous of removing his goods from the place to which they may have been carried, under the original rowannah, after the expiration of one year, he ſhall be entitled to an exchange rowannah for another year, at any of the eſtabliſhed cuſtom houſes, the goods being identified to the ſatisfaction of the collector, and the old rowannah being delivered up.

Merchants entitled to exchange rowannahs, on certain conditions.

Third. At each cuſtom houſe, there ſhall be kept a regiſter of all exchanged rowannahs granted therefrom, ſpecifying the

Regiſters to be kept of exchanged rowannahs.

date

date and number of the original rowannah, and the cuſtom houſe at which it was iſſued.

Collectors empowered to propoſe rules for promoting the better collection of the cuſtoms.

XXIX. The collectors of the Government cuſtoms are reſpectively empowered to propoſe to the Board of Trade, for the conſideration of the Governor General in Council, ſuch rules as may appear to them calculated to promote the better collection of the cuſtoms.

No collections to be made but ſuch as are authorized by this, or any other regulation.

XXX. No collections whatever, either as cuſtoms, duties, commiſſion or under any other denomination, ſhall be levied by any of the officers employed at the cuſtom houſes, excepting ſuch collections as are or may be authorized by this regulation, or by any other regulation which ſhall be hereafter enacted, and printed and publiſhed, in the manner preſcribed by Regulation I, 1803.

Penalties for a breach of the rule preſcribed in the foregoing ſection.

XXXI. Any native officer, proved to the ſatisfaction of the collector to have been guilty of a breach of the rule contained in the foregoing ſection, ſhall be liable to be diſmiſſed from his employment, under the rules provided, in ſuch caſes, by Regulation V, 1804. The offender ſhall alſo be ſubject, in addition to the re-payment of the amount exacted, to ſuch fine as the collector may think proper to impoſe; provided that the amount ſhall not exceed the amount of ſuch officer's ſalary for the period of ſix months; and alſo, that the fine ſhall not be levied, until it ſhall have received the ſanction of the Board of Trade. When a collector of cuſtoms ſhall have impoſed a fine upon any ſuch officer, and when the fine ſhall have received the ſanction of the Board of Trade, the collector ſhall certify the ſame, through the vakeel of Government, to the zillah court to which the officer may be amenable, by a writing, ſtating the amount of the fine, and the ſum to be refunded; and the judge, upon the receipt of ſuch document, ſhall levy the fine to be paid, and the amount to be refunded, by the ſame proceſs as is preſcribed for enforcing decrees of the court.

Fine how to be levied.

XXXII. *First.* Whenever goods shall be detained, on the ground of their being liable to confiscation, the collector shall, with all practicable expedition, report the case, for the determination of the Board of Trade.

Collectors to report to the Board of Trade, without delay, all cases of goods liable eventually to confiscation.

Second. In the event of goods being confiscated, under this regulation, they shall be sold by public auction, and the net proceeds shall be divided as follows:

Proceeds of goods confiscated and sold under this regulation, how to be appropriated.

One-fifth to the collector.

Two-fifths, in equal proportion, to the informer, and to the officers of Government making the seizure.

Two-fifths to the Company.

XXXIII. *First.* The Board of Trade are hereby empowered, in cases in which there shall appear to them sufficient cause for so doing, to direct the release of any goods which may have become liable to confiscation, or to remit any other penalties which may have been incurred for the breach of any rule contained in this regulation.

Board of Trade empowered to release goods, or to remit penalties, in certain cases.

Second. The Board of Trade are hereby further empowered to order double duty and double commission to be levied, in lieu of any higher penalty which may be incurred, under this regulation, in cases in which there shall appear to them ground for a mitigation of such penalty.

Board of Trade empowered to commute higher penalties for double duty and double commission.

XXXIV. All goods and articles of trade, exported from the province of Rohilcund into the territory constituting the jaghire of Rampore, shall not be subject to the payment of any duty, on being exported from such province into the territory aforesaid. All goods and articles of trade, imported into the province of Rohilcund from the Rampore jaghire, being of the description of goods and articles of trade, which are liable to the payment of Government customs under this regulation, shall be subject to the payment of the same import duties to which goods and articles

Rule respecting the exportation and importation of goods in the jaghire of Rampore, in the province of Rohilcund.

ticles of trade are ſubject, on importation into the ceded provinces from the dominions of the Nawaub Vizier.

Rules for the importation and exportation of ſalt in the ceded and conquered provinces.

XXXV. *Firſt.* Regulations VI and VII, 1804, provide for levying a duty on the importation of ſalt into the conquered provinces in the Dooab, the ceded provinces, and the province of Benares, whether the ſalt ſhall have been produced within the conquered provinces on the right bank of the river Jumna, or ſhall be imported from the territory of any foreign State. The ſame regulations alſo provide for levying a duty upon the exportation of ſalt, from the ceded or conquered provinces, into the territory of any foreign State. It is likewiſe declared, in Section IV, Regulation VI, 1804, that proviſion will be hereafter made for levying a duty on the importation of foreign ſalt into the conquered provinces on the right bank of the Jumna. The following rules are now enacted.

Parts of Regulations VI and VII, 1804, reſcinded, from the commencement of the year 1213 Fuſſily.

Second. Such parts of Section IV, Regulation VI, and Section II, Regulation VII, 1804, as provide for levying a duty on the importation of foreign alimentary ſalt into the ceded provinces, or into the conquered provinces in the Dooab, from the zillahs ſituated on the right bank of the river Jumna, ſhall be reſcinded; and the rule preſcribed by the following clauſe ſhall be ſubſtituted in lieu thereof, from and after the commencement of the year 1213 Fuſſily.

Salt imported into the zillahs on the right bank of the Jumna, ſubject to duty, and at what rate.

Third. All alimentary ſalt, which ſhall be imported into the zillahs ſituated on the right bank of the river Jumna, from the territory of any foreign State, or from the territory ſituated on the right bank of the river Jumna, the revenues of which are aſſigned to His Majeſty Shah Alum, (whether produced within the territory laſt mentioned, or otherwiſe,) from and after the commencement of the year 1213 Fuſſily, ſhall be ſubject to the payment of a duty, at the rate of twelve annas per maund, each ſeer of the ſaid maund, to weigh eighty ſicca rupees. Such ſalt,

after

after having paid the import duty above prescribed, shall not be subject to the payment of any further duty, in passing through the ceded and conquered provinces.

Salt imported into the Dooab from the city of Delhi and its dependencies to continue subject to the duty prescribed by Regulations VI and VII, 1804.

Fourth. Foreign alimentary salt, and all alimentary salt produced within the zillahs situated on the right bank of the river Jumna, or within the territory situated on the same bank of that river, the revenues of which are assigned to His Majesty Shaw Alum, which shall be imported into the Dooab from the city of Delhi, or from the territory abovementioned, shall continue to be subject to the payment of the duty specified in the foregoing clause, as prescribed by Section IV, Regulation VI, and Section II, Regulation VII, 1804.

Penalty for passing or attempting to pass salt contrary to this regulation.

Fifth. All alimentary salt, passing or attempting to pass any of the established custom house chokies, without having paid the prescribed duty, and without being accompanied by a rowannah, will be liable to seizure and confiscation.

Remaining parts of Regulations VI and VII, 1804, to remain in full force.

Sixth. Such parts of Regulations VI, and VII, 1804, as have not been altered, or otherwise modified, by this regulation, shall remain in full force.

Duties on salt to be considered as forming a part of the Government customs to be levied under this regulation.

XXXVI. Orders were passed by the Governor General in Council, under date the 30th of September 1804, empowering the officers holding the appointment of collectors of the Government customs in the ceded provinces to levy the duties established by Regulations VI and VII, 1804, on the importation and exportation of salt in the said provinces. The collection of such duties in the conquered provinces was, at the same time, entrusted to the officers employed in the collection of the land revenue in the said provinces. It is now declared, that the duties to be levied on the importation and exportation of salt, in the ceded and conquered provinces, under the rules prescribed by Regulations VI and VII, 1804, and by Section XXXV, of this regulation,

shall

shall be considered as forming a part of the Government customs. Such duties shall accordingly be levied by the collectors of the Government customs, and their respective deputies, in the ceded and conquered provinces; subject to the several provisions of this regulation, as far as they may be applicable to the same.

Such duties to be levied by the collectors of the Government customs, subject to the several provisions of this regulation.

Commission to be levied by the collectors of the Government customs, for their own benefit, and at what rates.

XXXVII. The collectors of the Government customs established by this regulation, and of the duties on salt established by Regulations VI and VII, 1804, who are not also collectors of the land revenue, are authorized to levy, for their own benefit, a commission of five per cent on the amount of the duties collected by them, and by their respective deputies, under this regulation and the regulations abovementioned. The collectors of the customs and duties aforesaid, who likewise hold the office of collector of the land revenue, are also authorized to levy a commission of five per cent on the amount of all duties collected by them and by their respective deputies. The collectors of the Government customs, of the description last mentioned, shall, however, only appropriate to their own benefit a moiety of such commission, carrying the residue to the credit of Government in their accounts. The deputy collectors of the Government customs shall not be entitled to a participation in the commission, or in the produce of confiscated goods, authorized by this regulation.

Surplus commission, in certain cases, to be carried to the credit of Government.

Deputy collectors not to participate in the commission, or in the produce of confiscated goods.

This regulation not to extend to the city of Delhi, or to the territory assigned to His Majesty Shaw Alum. Rules respecting the duties on goods imported into, or exported from, the city and territory aforesaid.

XXXVIII. No part of this regulation shall be construed to extend to the city of Delhi, or to the territory on the right bank of the Jumna, the revenues of which are assigned to His Majesty Shaw Alum. All goods and articles of trade, subject to the payment of Government duties, under this regulation, on being exported from the conquered provinces in the Dooab, or on the right bank of the river Jumna, into the city and territory abovementioned, shall be subject to the same rules regarding duties, as are prescribed, by this regulation, on the exportation of goods to the territory of any foreign State. In like manner, all goods and articles of trade, imported into the conquered pro-

vinces

vinces in the Dooab, or on the right bank of the river Jumna, from the city and territory abovementioned, which may be liable to the payment of Government customs, under this regulation, shall be subject to the same rules regarding duties, as are prescribed by this regulation, on the importation of goods from the territory of any foreign State. It is the intention, however, of the Governor General in Council to adopt the necessary measures for obtaining an exemption from duty of all the articles imported from England, which are specified in Section XXII of this regulation, on their importation into, and exportation from, and transit through, the city of Delhi and territory aforesaid.

XXXIX. *First.* The present regulation, as far as relates to the collection of the Government customs in the ceded provinces, shall be in force from the promulgation of the regulation,

This regulation to be in force in the ceded provinces, from its promulgation.

Second. The rules prescribed, by this regulation, respecting the Government customs to be levied in the conquered provinces in the Dooab and on the right bank of the river Jumna, including the zillah of Bundlecund, shall not be in force, in the territories aforesaid, until the commencement of the year 1213 Fussily. The duties on salt, established by Regulations VI and VII, 1804, will continue to be collected, in the abovementioned territories, in the manner prescribed by those regulations, and conformably to the orders passed, under date the 30th of September, 1804, respecting the collection of the said duties, until the period of time above specified.

This regulation to be in force in the conquered provinces and in Bundlecund, from the commencement of the year 1213 Fussily.

XL. Goods, or articles of trade, subject to the payment of duties, under this regulation, which shall be exported from the conquered into the ceded provinces, from the commencement of the ensuing year 1213 Fussily; and all goods and articles of trade, of the description abovementioned, which shall be exported from the ceded into the conquered provinces, from and after the period of time above specified; (with the exception of the duties to be levied

Goods, on their transit to and from the ceded and conquered provinces, respectively, after the commencement of the year 1213 Fussily, not to be subject to any other duty than that specified in Section XVIII.

levied on the importation of ſalt into the Dooab, under Regulations VI and VII, 1804, and under Clauſe Fourth, Section XXXV, of this regulation,) ſhall not be ſubject to the payment of any other duty than that ſpecified in Section XVIII of this regulation, on their tranſit to and from the ſaid provinces reſpectively, and to the eſtabliſhed duties levied, on account of Government, in the bazars and gunges in the provinces abovementioned, under Section XIX of this regulation.

Collectors and officers of cuſtoms amenable to the courts of judicature.

XLI. The collectors of the Government cuſtoms, and their officers of every deſcription, ſhall be conſidered amenable to the courts of judicature, for all acts done by them, which may be repugnant to this regulation, or to any other regulation, for the collection of the Government cuſtoms in the ceded and conquered provinces, which ſhall be enacted, and printed and publiſhed, in the manner preſcribed by Regulation I, 1803; and, if any perſon ſhall deem himſelf aggrieved, under this or any other regulation, for the collection of the Government cuſtoms in the ſaid provinces, by any act of a collector, or of any of his officers, done in conformity to the orders of the Governor General in Council, or of the Board of Trade, ſuch perſon will be at liberty to ſue for redreſs, under the rules contained in Regulation II, 1803, or ſuch other regulations as may be applicable to the caſe.

Perſons deeming themselves aggrieved, how to ſeek redreſs.

Caſes in which the collectors of Government cuſtoms are to defend ſuits inſtituted againſt them for a breach of the regulations at their own riſk.

XLII. In ſuits inſtituted againſt a collector of the Government cuſtoms in the ceded or conquered provinces, and where the act complained of ſhall not have been done purſuant to ſpecial orders from the Board of Trade, or the Governor General in Council, the party complained againſt ſhall appoint one of the authorized vakeels of the court to defend the ſuit at his own riſk.

Collectors may take upon themſelves the defence of ſuits inſtituted againſt their officers.

XLIII. The collectors ſhall be at liberty to take upon themſelves the defence of any ſuit which may be inſtituted againſt their officers; but, in ſuch caſes, the collectors ſhall be anſwer-

able

able for the decree of the court, in the same manner as if the suit had been originally instituted against themselves.

Process issued against the collectors, how to be served.

XLIV. When written process shall be issued by a court of civil judicature to a collector of the Government customs, the judge or the register to the court, shall transmit the same, under a sealed cover, addressed to the collector, in the form of a letter, and superscribed with his name and official appellation. The collector shall immediately acknowledge the receipt of the process, by an endorsement, to that effect, on the instrument, and return it, under a sealed cover, addressed to the judge or the register of the court, from which it may have issued.

By whom decrees, costs and damages, given against collectors of Government customs, or their officers, are to be made good.

XLV. In instances in which the Board of Trade shall approve of a decision given against a collector, or any of his officers, in a suit in which such collector or his officers, may have been engaged in their official capacity, and which may not have been prosecuted or defended by them, pursuant to orders from that Board, or the Governor General in Council; the Board of Trade are empowered to hold the collector, or his officer, by whom the act complained of may have been done, responsible for the whole or any part of the costs and damages awarded by the decree, or of the decree itself; if, upon a consideration of the merits of the case, and of the conduct of the person against whom the decree may be given, or the act complained of may have been done, they shall be of opinion, that the Government ought not to be charged with all or any part of such costs, damages, or decree. But in such cases, the person whom the Board of Trade may so determine to hold responsible, is at liberty to appeal the cause, at his own risk and cost.

Board of Trade may authorize an appeal from any decision passed against a collector or his officers.

XLVI. If the Board of Trade shall be dissatisfied with a decree passed against a collector, or any of his officers in suits in which they may have been engaged, either with or without their orders, or the orders of the Governor General in Council, they

are

are empowered to authorize an appeal from such decree, under the regulations; and, in the the event of their lodging an appeal, it shall be carried on in the provincial court of appeal, and in the Sudder Dewanny Adawlut, (should the cause be ultimately appealed to the last mentioned court) by the vakeel of Government, or by any other authorized vakeel of the court into which the cause may be brought, notwithstanding any thing which may be said to the contrary in any regulation passed in the manner prescribed by Regulation I, 1803.

Security not to be demanded from collectors of Government customs for their appearance, or for costs or damages, or decrees.

XLVII. Security shall not be demanded from the collectors for their personal appearance in any suit in which they may be engaged in their official capacity; nor shall security be required from them for the payment of costs or damages, nor for the performance of the decrees or orders of the courts, as Government will be responsible for causing the collectors to answer to all such suits as may be instituted against them, and to make good the decrees or orders of the court.

Collectors not liable to prosecution for the acts of their predecessors. What suits they are bound to defend after removal from office.

XLVIII. The collectors shall not be liable to prosecution for any official act of their predecessors. But any person who may be removed from the office of collector of the Government customs in the ceded or conquered provinces, shall carry on, in the same manner as if he had continued in the office, all suits in which he may be engaged in his official capacity; unless the Board of Trade, upon a consideration of the circumstances of the cases, shall deem it advisable to order his successor to prosecute or defend the suits. This rule, however, shall not extend to suits in which a collector, who may have been removed, shall have been engaged, in consequence of orders from the Board of Trade or the Governor General in Council. All such suits shall be carried on by the collector of the Government customs for the time being, and at the risk and expense of Government.

Collectors allowed to for-

XLIX. To facilitate the communication between the collectors

lectors and their vakeels in the zillah courts, or the provincial courts of appeal, or the Sudder Dewanny Adawlut, who may be entruſted with the conduct of any ſuits or appeals in which they may be engaged in their official capacity, either whilſt they may continue in the office, or after their removal from it, they are authorized to forward, free of poſtage, any inſtructions which they may have to tranſmit to their vakeels in thoſe courts. The inſtructions ſhall be encloſed under a ſealed cover, directed to the vakeel. The inſtructions, ſo ſealed and directed, ſhall be tranſmitted, under a ſealed cover, addreſſed to the regiſter of the court in which the cauſe may be depending, and ſuperſcribed with the name and official appellation of the perſon diſpatching it, or that which he bore when the cauſe of action aroſe. The regiſter of the court, immediately on receiving the inſtructions, ſhall deliver them ſealed to the vakeel to whom they may be directed. In like manner, the vakeels in any of the courts, to whom the pleading of ſuch ſuits or appeals may be committed by the collector, are authorized, either whilſt their conſtituents remain in ſuch office, or after they ſhall have been removed from it, to forward any papers which they may have to convey to their conſtituents by the public dawk, free of poſtage. The papers ſhall be encloſed in a cover, ſealed with the ſeal of the vakeel; and the judge, or the regiſter of the court, ſhall tranſmit the papers ſo ſealed, under a cover, ſealed and addreſſed to the perſon to whom they are to be forwarded, and ſuperſcribed with his official ſignature.

ward inſtructions to their vakeels by the dawk, free of poſtage.

Inſtructions to be ſealed and encloſed under a ſealed cover, addreſſed to the regiſter of the court, who is to deliver them ſealed.

The vakeels may, in like manner, forward papers to their conſtituents through the regiſter.

L. In caſes in which the Board of Trade ſhall judge it expedient, or in which they may receive orders for the purpoſe from the Governor General in Council, they ſhall take upon themſelves the ſuperintendence of the proſecution or defence of any ſuit or appeal, in which they or any of their officers may be engaged, either in a zillah court, or in a provincial court of appeal, or in the Sudder Dewanny Adawlut, inſtead of leaving the conduct of the ſuit or appeal to the collector.

Caſes in which the Board of Trade are to take upon themſelves the proſecution and defence of ſuits or appeals.

LI.

Collectors not to derive any advantage from suits.

Nor to sustain any loss, if their conduct be approved.

LI. The collectors shall not derive any advantage whatever from suits in the courts of justice in which they may be engaged, or in any wise concerned, in their official capacity. On the other hand, it is not intended that the collectors shall sustain any loss in consequence of such suits, where their conduct shall be adjudged to be conformable to the regulations, or shall be approved by the Board of Trade, or the Governor General in Council. The collectors will accordingly bring to the credit of the Company, in their accounts, all sums whatever which may be adjudged to them by any of the courts of justice; and they will note, at the foot of their accounts, or in a separate account, or under a distinct head in their accounts, according as the Board of Trade shall direct, all sums which they may disburse, or be adjudged to pay on account of suits in which they may be engaged, or be concerned, in their official capacity; but no such disbursements or payments shall be considered as passed to the debit of the Company, until the previous sanction of the Board of Trade, or of the Governor General in Council, shall have been obtained for that purpose; and until such sanction is procured, the collector making the disbursements or payments, shall be held answerable for the amount.

Sums disbursed by collectors of Government customs not to be carried to the debit of the Company, without orders from the superior authorities.

Rules in this regulation applicable to deputies and assistants.

LII. All the rules in this regulation, respecting collectors of the Government customs in the ceded and conquered provinces, shall be considered equally applicable to their deputies or assistants, being covenanted civil servants of the Company, whilst officiating as collectors in the absence of the collectors, or whilst the office of collector may be vacant.

Penalty and punishment to which persons, not being native officers employed by Government in the collection of the customs, will be subject, who shall exact taxes or duties, contrary to this or any other regulation.

LIII. Any person, not being a native officer employed by Government in the collection of the Government customs, who shall exact taxes or duties, of any denomination, contrary to this regulation, or to any other regulation which shall be hereafter enacted, and printed and published, in the manner prescribed by Regulation I, 1803, whether as a principal or an accessary,

shall

ſhall be liable to proſecution in the courts of adawlut. The judges of the ſaid courts are accordingly required to receive all plaints preferred on account of ſuch exactions; to hear and determine the ſame within ten days from the date of filing the plaint, or as ſoon afterwards as the attendance of the neceſſary evidence ſhall admit; and, on proof, to decree a refund of the amount exacted, with damages equal to double the amount, beſides all neceſſary coſts incurred by the plaintiff in the proſecution, as well as a heavy fine to Government, proportionate to the circumſtances of the offender. The decree, in ſuch caſes, ſhall be enforced in the courts of adawlut by the proceſs preſcribed in other caſes; and, if the property of the offender (which ſhall be applied in the firſt inſtance to make good the damages and coſts adjudged to the party injured) ſhall, in any inſtance, be inſufficient to make good the fine to Government, the courts are empowered to commute the fine to impriſonment, for ſuch period, not exceeding ſix months, as, on conſideration of the circumſtances of the caſe, ſhall appear to them adequate to the offence.

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ALTERATIONS, MODIFICATIONS, EXTENSIONS, RESCISSIONS, &c.

Regulations Altered.					By what Regulation.			
Year.	*Regulation*	*Section.*	*Clause.*		*Year.*	*Regulation*	*Section.*	*Clause.*
1793	II.	III.		Modified		V.	XXV.	
		XIII.		Rescinded in part			III.	
	VII.			Extended				
	IX.			Extended		IV.	V.	
	XII.			Extended				
	XIII.			Extended in part				
		II.		Rescinded in part		V.	II.	
	XVIII.			Extended in part		IV.	V.	
	XLI.			Extended				
	XLIII.			Rescinded with exceptions		I.	II.	
	XLIV.			Extended			X.	
	XLVII.			Extended in part		IV.	V.	
1794	VII.	IX.		Further applied		II.	VI.	
1795	V.	XIII.		Rescinded in part		V.	III.	
	XVI.	XIX.		Altered		II.	V.	
		XX.						
	XXXVI.			Extended in part		IV.		
	LVI.			Rescinded with exceptions		I.	II.	
1796	II.			Extended		IV.	V.	
	IV.			Extended in part				
	VI.			Extended				
	IX.							
	X.			Extended in part				
	XI.			Extended				
1797	III.	III.	*First.*	Rescinded		II.	II.	
				Extended		IV.	V.	
	IV.							
		VIII.		Extended		II.		
	V.			Extended				
	VI.							
	XIII.			Extended		IV.		
	XIV.							
	XVII.			Extended				
1798	III.	IV.		Further applied		II.	VI.	
		VI.		Altered			IV.	
							VII.	*First.*
				Extended			VIII.	
				Extended in part		IV.	V.	
	IV.							
1799	II.	II.		Explained		II.		
		III.						
				Extended in part		IV.		
	IV.			Extended				
				Modified		X.	IV.	
	VIII.			Extended		IV.	V.	
	X.							
1800	II.			Extended in part				
	VIII.			Extended				
	IX.			Extended in part				
1801	VI.	IV.	*Sixth.*	Altered		VI.	XVII.	
1802	VII.	VI.		Rescinded			XVIII.	
1803	II.			Extended		XI.	XXII.	
	VI.			When applicable			XLI.	
				Extended		III.	X	*First.*
		V.		Extended			IX.	*Second.*
		VII.		Extended			VII.	
		VIII.		Altered				
		XVII.		Extended			II.	*Fifth.*
				Extended			IX.	*Second.*
		XXIII.		Extended			VIII.	
		XXXIV.		When applicable		IX.	XII.	

Regulations Altered.					By what Regulation.			
Year.	Regulation	Section.	Clause.		Year.	Regulation	Section.	Clause.
1803	VII.			Extended	III.	X.		First.
——	——			Extended	——	XI.		
——	——	II.		Rescinded in part	IX.	II.		
——	VIII.			Extended	III.	XI.		
——	XII.	II.		Rescinded in part	V.	II.		
——	XX.			Modified	X.	IV.		
——	XXXV.	III.		Altered	III.	VI.		First.
——	——	——		Extended	——	——		Second.
——	——	XXVI.		Altered	——	——		First.
——	XXXVIII.			Rescinded	XI.	II.		
——	XXXIX.			Rescinded	VI.	——		
——	I.			Extended in part	IV.	V.		
——	III.			Extended				
1804	V.			Extended	XI.	XXVI.		Sixth.
——	VI.			Modified in part	——	XXXVI.		
——	——	IV.		Applied	VII.	I.		
——	——	——		Rescinded in part	XI.	XXXV.		Second.
——	——	VII.		Applied	VII.	I.		
——	VII.			Modified in part	XI.	XXXVI.		
——	——	VII.		Rescinded in part	——	XXXV.		Second.

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	Regulation	Section	Clause
COURTS OF CIRCUIT,			
BENGAL, &c.			
Rules for altering the periods of certain jail deliveries. - - - -	II.	I.	
Clause First, Section III, Regulation III, 1797, rescinded. - - -	——	II.	
When the circuits for Calcutta, Moorshedabad, Patna and Benares divisions, are to commence. - - -	——	III.	
Quarterly jail deliveries to be held at the 24 Pergunnahs, Dacca and Moorshedabad zillahs, and at what periods - -	——	IV.	
Cases in which the senior judge is to hold the quarterly jail deliveries—Explanation of Regulation II, 1799, as to the city of Benares—Law officers of the city or zillah courts to officiate during the absence of the law officers of the court of circuit - -	——	V.	
Rule when the circuits or jail deliveries fall within the vacations—Courts not to set on Sundays - - -	——	VI.	
Order of jail deliveries in Patna division.	——	VII	*First.*
Order of jail deliveries in Calcutta division.	——	——	*Second.*
Special deviations may be authorized when necessary. - - -	——	VIII.	
Judges to examine the proceedings of the magistrates, in certain cases of resistance of process, and to report thereon to the Nizamut Adawlut	III.	II.	*Fifth.*
CEDED AND CONQUERED PROVINCES			
Rules for the administration of justice in criminal cases, in the province of Cuttack.	IV.	I.	
Cuttack annexed to the division of Calcutta and formed into two divisions—Two jail deliveries to be held annually.	——	II.	
Court of Circuit to be guided by the general regulations enacted agreeably to Regulation XLI, 1793 - - -	——	III.	
A magistrate to be appointed to each division of Cuttack, vested with the usual powers. -	——	IV.	
What future regulations shall be considered as extending to Cuttack - -	——	V.	
Police how to be conducted in Cuttack.	——	VI.	

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COURTS OF CIRCUIT.	Regulation.	Section.	Clause.
CEDED AND CONQUERED PROVINCES.			
Crimes committed previouſly to the 14th October 1803, not cognizable—Rules as to crimes committed between that date and the date of this regulation. - - -	IV.	VII.	
Rules for altering the denomination of the court of circuit, for the diviſion of the ceded provinces, and for the adminiſtration of juſtice in criminal caſes, in certain parts of the ceded and conquered provinces. - -	IX.	I.	
To be denominated the court of circuit for the diviſion of Bareilly.	——	II.	
Territories ceded by Dowlut Rao Scindeah, to be divided into five zillahs and included in the Bareilly diviſion. - - - - -	——	III.	
Territory in Bundlecund to form a zillah, and be annexed to the Benares diviſion. - -	——	IV.	
Jail deliveries when and by whom to be held.	——	V.	
Courts of circuit to be guided by the regulations for the ceded and conquered provinces. -	——	VI.	
Magiſtrates to be appointed for each zillah with the uſual powers. - - - - -	——	VII.	
Government may alter the limits of the ſeveral zillahs. - - - - - - -	——	VIII.	
Magiſtrates to have charge of the police and to be guided by the regulations—Zemindars, &c. not exonerated from their reſponſibility. -	——	IX.	
Magiſtrate to exerciſe the duties of the police in Bundlecund under the ſuperintendence of the commiſſioners. - - - - - -	——	X.	
Rules reſpecting the cognizance of crimes committed previous to certain dates. - - -	——	XI.	
The dates ſpecified in the foregoing ſection not applicable to certain diſtricts. - -	——	XII.	
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Puniſhment to which perſons found guilty are liable. - - - - - - -	——	III.	
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Government may suspend the operation of this regulation in certain cases, and may determine where custom houses are to be established.	——	VI.	
Where the custom houses are to be stationed.	——	VII.	
How the collectors are to be denominated. -	——	VIII.	*First.*
What custom houses shall be superintended by deputies under principal collectors. - -	——		*Second.*
Revenue officers at certain stations to be collectors of customs. - - - - -	——		*Third.*
Collectors of customs subject to the Board of Trade.	——	IX.	
Description of official seals. - - -	——	X.	
Oath to be taken by collectors and deputies. -	——	XI.	
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Rules for stationing custom house chokies. -	——	XIII.	
Duty of the officers of the chokies limited. -	——	XIV.	
Goods not subject to any duties beyond the following, except on articles sold in bazars and gunges. - - -	——	XV.	*First.*
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OF THE

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PASSED IN THE YEAR

1805.

REGULATION

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A REGULATION *for empowering the court of Sudder Dewanny Adawlut to hear and determine appeals from the decisions of the courts of civil justice, established under the authority of the British government, at Chandernagore and Chunsurah.—Passed on the* 14*th February*, 1805.

II.

A REGULATION *to explain the existing limitations of time for the cognizance of suits in the civil courts of justice; to provide further limitations with respect to certain suits, regular and summary; and to make other provisions, relative to the admission and trial of original suits, and of appeals.—Passed on the* 18*th February*, 1805.

III.

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A REGULATION *to make further provision for the exemplary punishment of robbery by open violence.—Passed on the 28th March,* 1805.

IV.

A REGULATION *for extending to the province of Benares, Regulation* XXXI, 1793, *entitled* " A regulation for re-enacting with modifications and amendments the rules passed on the 23d of July 1787, and subsequent dates, for the conduct of the commercial residents and agents, and all persons employed or concerned in the provision of the Company's investment;" *and also for exempting from duty all goods and articles provided in the province of Benares, on account of the investment of the Honorable East India Company.—Passed on the 25th April,* 1805.

V.

A REGULATION *for forming the settlement of the land revenue of the provinces ceded to the Honorable the English East India Company by the Nawaub Vizier, for the years* 1213, 1214, *and* 1215, *of the Fussily era.—Passed on the 22d of April,* 1805.

VI.

A REGULATION *for abolishing the duties levied by government on goods and other articles, sold in the Bazars and Gunges, in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company; and in the conquered provinces, situated within the Dooab and on the right bank of the river Jumna; including the territory in Bundlecund, ceded to the Honorable the English East India Company by the Peishwah; and for establishing duties on certain articles imported into the cities and principal towns, situated within the provinces and territory aforesaid, in lieu of the duties above mentioned.—Passed on the 27th of June,* 1805.

VII.

A REGULATION *for empowering the Governor General in Council, to grant a temporary exemption to covenanted civil ſervants of the Company, holding certain offices, from the obligations of that part of the oath preſcribed to be taken, by certain deſcriptions of public officers, which prohibits their being concerned in commercial tranſactions.—Paſſed on the* 11*th of July*, 1805.

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A REGULATION *for extending to the conquered provinces, ſituated within the Doab and on the right bank of the river Jumna; and to the territory ceded to the Honorable the Engliſh Eaſt India Company in Bundlecund by the Peiſhwah; ſuch of the laws and regulations, eſtabliſhed for the internal government of the provinces ceded by the Nawaub Vizier to the Honorable the Engliſh Eaſt India Company, as have not been already extended to thoſe territories, and for reviſing and amending certain parts of the ſaid laws and regulations.—Paſſed on the* 11*th of July*, 1805.

IX.

A REGULATION *for enacting into a regulation certain articles of a proclamation, to be iſſued in the conquered provinces, ſituated within the Doab and on the right bank of the river Jumna; and in the territory ceded to the Honorable the Engliſh Eaſt India Company in Bundlecund by the Peiſhwah.—Paſſed on the* 11*th of July*, 1805.

X.

A REGULATION *for amending the conſtitution of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, as far as relates to the appointment of the chief judge of thoſe courts.—Paſſed on the* 25*th July*, 1805.

XI.

A REGULATION *for extending to the conquered provinces, ſituated*

ted within the Dooab and on the right bank of the river Jumna; and to the territories ceded to the Honorable the English East India Company in Bundlecund by the Peishwah; Regulation XLV, 1803, *entitled,* A regulation for the reform of the gold, silver, and copper coin, in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company; *also for providing for the appointment of the native officers of government, employed in the mint, established at Furrackabad, under Regulation* XLV, 1803; *and for extending to such native officers such parts of Regulation* V, 1804, *as provide for the appointment and removal of the native officers of government in certain departments.—Passed on the 15th August,* 1805.

XII.

A REGULATION *for the settlement and collection of the public revenue in the zillah of Cuttack, including the pergunnahs of Puttespore, Kummardichour, and Bograe, at present included in the zillah of Midnapore.—Passed on the 5th of September,* 1805.

XIII.

A REGULATION *for the maintenance of the peace, and for the support and administration of the police in the zillah of Cuttack, and for amending certain provisions contained in Regulation* IV, 1804.—*Passed on the 5th of September* 1805.

XIV.

A REGULATION *for the administration of justice in civil cases in the zillah of Cuttack.—Passed on the 5th of September,* 1805.

XV.

A REGULATION *for the appointment of the Mahomedan and Hindoo law officers of the zillah and city courts, to be commissioners for the trial of referred causes, to the amount, or value of one hundred sicca rupees; and to make further provision for the appointment of head native commissioners in the several zillahs and cities.—Passed on the 12th of September,* 1805.

XVI.

XVI.

A REGULATION *for extending the jurisdiction of the court of circuit for the division of Calcutta, and of the court of Nizamut Adawlut, over the settlements of Chandernagore and Chinsurah, in certain cases; and for defining the powers and duties of the superintendent of Chandernagore and commissioner of Chinsurah; in his capacity of magistrate for those settlements.—Passed on the 19th September,* 1805.

XVII.

A REGULATION *for modifying the rules contained in Regulation* VIII, 1793, *respecting the management of joint undivided estates.—Passed on the 24th October* 1805.

XVIII.

A REGULATION *for the appointment of a magistrate of the jungle mehals in zillahs Beerbhoom, Burdwan, and Midnapore; and for declaring and extending the rules prescribed for zemindars and managers of zemindarries, entrusted with the police in those mehals.—Passed on the 13th December,* 1805.

XIX.

A REGULATION *for defining the form of address, and channel of application, to be observed by public officers in the judicial, revenue, and commercial departments, who may have occasion in the discharge of their official duties, to make applications to His Highness the Nawaub Nusser ul Moolk, Nazim of Bengal.—Passed on the 19th of December,* 1805.

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A. D. 1805. REGULATION I.

A REGULATION *for empowering the court of Sudder Dewanny Adawlut to hear and determine appeals from the decisions of the courts of civil justice, established under the authority of the British Government, at Chandernagore and Chinsurah.*—PASSED *by the Governor General in Council, on the* 14*th February* 1805; *corresponding with the* 4*th Phaugun* 1211 *Bengal era; the* 1*st Phaugun* 1212 *Fussily; the* 4*th Phaugun* 1212 *Willaity; the* 1*st Phaugun* 1861 *Sumbut; and the* 13*th Zeekaud* 1219 *Higeree.*

SINCE the capture of the French settlement of Chandernagore, on the 11th June 1793, and of the Dutch settlement of Chinsurah on the 27th July 1795, courts of judicature for the administration of civil justice have been established at each of those settlements, under the authority of the British Government. At Chandernagore, two civil courts have been constituted, the cutcherry, or native court; and the tribunal, or European court. The deputy superintendent, and occasionally the assistant zemindar (also called the assistant jemadar) presides in the cutcherry; wherein all causes between native parties, or in which a native of India may be the defendant, are heard and decided,

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in the firſt inſtance; ſubject to appeal, in every caſe, to the European court. The ſuperintendent is judge of the latter court, and is aſſiſted by the deputy ſuperintendent, as well as by an officer denominated the "Commiſſaire du Roy," whoſe duty it is to deliver his opinion, or "concluſions" on the whole proceedings and merits of the caſe, before a definitive ſentence is given by the judge. This tribunal, beſides hearing and determining (after taking further evidence, if it appear neceſſary) all appeals from the native court, alſo receives and decides, in the firſt inſtance, all ſuits between Europeans, or in which the defendant may be an European, ſubject to its juriſdiction. But previouſly to the war between France and Great Britain, an appeal from the ſentences of the European court was open to a ſuperior court of appeal at Pondicherry; and during the ſubjection of Chandernagore to the Britiſh authority, the Governor General in Council has both reſerved to himſelf a power of deciding upon points or caſes referred to him by the ſuperintendent, and has alſo heard, and determined, appeals from judgments paſſed by the ſuperintendent in his judicial capacity. At Chinſurah, three civil courts have been eſtabliſhed; viz. the cutcherry, or zemindar's court; a court of appeal from deciſions paſſed in the cutcherry; and an European court. The cutcherry is ſuperintended by the deputy commiſſioner and has cognizance of all ſuits between natives, or in which a native may be the defendant. The commiſſioner preſides as judge in the court of appeal, and hears appeals in all caſes from the judgments of his deputy; but does not take new evidence; referring the cauſe back for further trial, if requiſite, in the cutcherry. The commiſſioner is alſo judge of the European court, aſſiſted by the fiſcal, who records his opinion on every matter before the court, previouſly to a deciſion or order upon it. In this court all ſuits between Europeans, or in which Europeans ſubject to its juriſdiction may be defendants, are tried in the firſt inſtance; and the appeal, which before the war with Holland lay from all decrees of the European court to a ſuperior court at Batavia, has been

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ſince allowed to the Governor General in Council, from the judgments of the commiſſioner, in the ſame manner as at Chandernagore. The late renewal of war between Great Britain, France, and Holland, rendering it uncertain how long the ſettlements of Chandernagore and Chinſurah, may remain under the authority of the Britiſh Government, and the Governor General in Council being deſirous that the Inhabitants of thoſe ſettlements, whilſt they continue under Britiſh protection, ſhould, as far as circumſtances admit, enjoy the benefit of the ſame proviſions as have been made for adminiſtering the judicial functions of the Government, throughout the Company's provinces, by the means of courts of juſtice diſtinct from the legiſlative and executive authority of the State, he has reſolved to empower the court of Sudder Dewanny Adawlut, eſtabliſhed at the Preſidency, to hear and determine appeals from the deciſions of the European courts at Chandernagore and Chinſurah, in all ſuits inſtituted, heard, and determined in thoſe courts, in the firſt inſtance; as well as a further appeal in cauſes originally tried in the cutcherry, and heard in appeal before the ſuperintendent at Chandernagore, or commiſſioner at Chinſurah, under a limitation, in ſuch caſes ſimilar to that which reſtricts the right of appeal to the Sudder Dewanny Adawlut, from the decrees of the provincial courts of appeal: The Governor General in Council has accordingly enacted the following rules, to be in force as ſoon as promulgated; and to remain in force whilſt the ſettlements of Chandernagore and Chinſurah ſhall continue under the authority of the Britiſh government.

II. *Firſt.* In all ſuits and cauſes of a civil nature, inſtituted, heard, and determined in the firſt inſtance in the European courts of civil juſtice eſtabliſhed at Chandernagore and Chinſurah, an appeal from the ſentences, decrees, or other final judgments, or orders paſſed by the ſuperintendent at Chandernagore, or commiſſioner at Chinſurah, in his capacity of judge of thoſe courts, or by any other perſon who may at any time be authorized to act

An appeal allowed to the Sudder Dewanny Adawlut in all ſuits inſtituted, heard, and determined in the firſt inſtance in the European courts of civil juſtice at Chandernagore and Chinſurah; provided the appeal be preferred within three

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months, or that ſufficient reaſon be aſſigned for any delay beyond that period.

as judge of the ſaid courts, ſhall lie to the court of Sudder Dewanny Adawlut eſtabliſhed at Calcutta; provided that the petition of appeal be preferred within three months after the ſentence, decree, or other final Judgment or order appealed from, ſhall have been paſſed; or if not preferred within this period, that ſufficient reaſon for the delay be aſſigned, to the ſatisfaction of the court of Sudder Dewanny Adawlut.

An appeal to the Sudder Dewanny Adawlut allowed in ſuits originally heard and determined, in the native courts of civil juſtice at Chandernagore and Chinſurah, and ſubſequently heard and decided in appeal by the courts of appeal at thoſe ſettlements; provided the amount or value adjudged, exceed the ſum of five thouſand ficca rupees, and that the appeal be preferred within three months, or that ſufficient reaſon be aſſigned for any delay beyond that period.

Second. In all ſuits and cauſes of a civil nature, inſtituted, heard and determined in the firſt inſtance, in the cutcherries, or native courts of civil juſtice, eſtabliſhed at Chandernagore and Chinſurah; and ſubſequently heard and determined, in appeal, before the ſuperintendent at Chandernagore, or commiſſioner at Chinſurah, in his judicial capacity, or by any other perſon who may be authorized to exerciſe appellate juriſdiction in ſuch caſes, an appeal from the ſentence, decree, or other final judgment or order paſſed upon ſuch appeals, ſhall alſo lie to the court of Sudder Dewanny Adawlut eſtabliſhed at Calcutta; provided that the amount or value adjudged againſt the party deſiring to appeal, according to the uſual mode of computation within the ſettlements abovementioned, ſhall exceed the ſum of five thouſand ficca rupees; and that the petition of appeal be preferred within three months after the ſentence, decree, or other final judgment or order appealed from, ſhall have been paſſed; or if not preferred within this period, that ſufficient reaſon for the delay be aſſigned to the ſatisfaction of the court of Sudder Dewanny Adawlut.

Diſcretionary power reſerved to the Sudder Dewanny Adawlut, of admitting ſpecial appeals in certain caſes, although the amount adjudged may be leſs than five thouſand rupees.

Third. In the ſuits and cauſes deſcribed in the preceding clauſe, it ſhall further be competent to the court of Sudder Dewanny Adawlut to admit a ſpecial appeal, although the amount or value of the cauſe of action may be leſs than five thouſand ficca rupees, if, on the face of the ſentence or decree from which the appeal may be deſired, it ſhall appear to the Sudder Dewanny Adawlut erroneous or unjuſt; or, if from the nature of the cauſe, as ſtated in the ſentence or decree, it ſhall appear to that court of

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ſufficient importance to merit a further inveſtigation in appeal; although within the amount ſpecified in the preceding clauſe.

Appeal to the Sudder Dewanny Adawlut, allowed by Clauſes Firſt and Second, of the preceding ſection, not demandable in ſuits adjudged more than three months before the date of this regulation, and reſpecting which no appeal, petition, or repreſentation, may have been preferred to government.

III. The appeal to the court of Sudder Dewanny Adawlut, which is allowed by Clauſes Firſt and Second, of the foregoing ſection, ſhall not be demandable by the parties in any ſuits which may have been tried and adjudged by the eſtabliſhed courts of juſtice at Chandernagore and Chinſurah, more than three months before the date of this regulation; and againſt which no appeal, petition, or repreſentation may have been preferred to the Governor General in Council. But the court of Sudder Dewanny Adawlut ſhall hear and determine all appeals which may have been preferred to the Governor General in Council, or for the admiſſion of which any petitions or repreſentations may have been received by the Governor General in Council, and which may be referred by his order, for the inveſtigation and deciſion of the Sudder Dewanny Adawlut. That court is alſo empowered to admit a ſpecial appeal in any other caſes adjudged by the European court, or court of appeal at Chandernagore, or Chinſurah, above three months before the date of this regulation, if good and ſufficient reaſon be aſſigned by the appellant for not having preferred his appeal to the Governor General in Council at an earlier period. But the diſcretionary power hereby veſted in the court of Sudder Dewanny Adawlut, to admit retroſpective appeals, in particular caſes, wherein the ends of juſtice may appear to require it, is to be exerciſed with caution; and ſuch appeals are not to be allowed without ſatisfactory reaſon for their not having been before brought forward.

But Sudder Dewanny Adawlut to determine all appeals referred to that court by the Governor General in Council.

Alſo empowered to admit a ſpecial appeal in particular caſes; but caution to be obſerved in admitting ſuch appeals.

Petitions of appeal to the Sudder Dewanny Adawlut, to be preſented to the judge at Chandernagore or Chinſurah.

IV. *Firſt.* In all appeals to the court of Sudder Dewanny Adawlut, under this regulation, the petition of appeal is to be preſented to the ſuperintendent at Chandernagore, or commiſſioner at Chinſurah, in his judicial capacity, or to whoever may be officiating as judge of the European court, and court of appeal, at thoſe ſettlements reſpectively; and ſhall contain, beſides ſuch

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information

information of the caſe as may ſhew that it is appealable to the Sudder Dewanny Adawlut, a full and explicit ſtatement of the appellant's objections to the ſentence or decree from which he is deſirous to appeal. The appellant ſhall, at the ſame time, tender good ſecurity for the payment of any coſts or fine which may be adjudged on the determination of his appeal by the court of Sudder Dewanny Adawlut; or, if unable to give ſuch ſecurity, ſhall make oath of his inability, and adduce two credible perſons to atteſt the ſame; and ſhall alſo furniſh two ſufficient ſureties for his perſonal appearance when required.

Security to be at the ſame time tendered by the appellant; or proofs of his inability to give ſuch, and ſureties for perſonal appearance.

Second. On the receipt of the petition of appeal, with the preſcribed ſecurity, or ſureties for appearance, the judge by whom the ſame may be received, ſhall cauſe a copy or exemplification to be made, of the ſentence or decree from which the appeal may be deſired; and within fifteen days, or as ſoon as the exemplification of the judgment appealed from can be prepared, ſhall certify and tranſmit the ſame, with the petition of appeal, for the information and orders of the Sudder Dewanny Adawlut. That court will then determine whether the appeal be admiſſible or otherwiſe, and in the event of its being admitted, ſhall cauſe a precept to be iſſued, under the ſeal of the court, and the ſignature of the regiſter, addreſſed to the judge of the proper court at Chandernagore, or Chinſurah; requiring him, within ſuch time as may be limited by the precept to call upon the reſpondent or reſpondents, in the cauſe appealed, for his or their anſwer to the petition of appeal, and to certify and tranſmit the ſame to the Sudder Dewanny Adawlut, together with a complete record of all papers received, and of all proceedings held, or orders paſſed, upon the caſe in appeal.

Rule of proceeding to be obſerved by the judge, on the receipt of petitions of appeal, with the preſcribed ſecurity or ſureties.

Precept to be iſſued by Sudder Dewanny Adawlut on admitting an appeal.

Third. The judge to whom the precept may be ſo addreſſed, ſhall comply with the exigency thereof, as required; or in the event of his not being able to carry the ſame into complete execution, within the period limited, ſhall certify the ſame to the court of Sudder Dewanny Adawlut; with notice of the period

The judge to comply with the exigency of the precept, or if not able to carry it into execution within the limited period, to certify the ſame with notice of the

within

within which a further return will be made of the execution of such precept.

period in which a further return will be made.

V. *First.* The situation of many of the inhabitants of Chandernagore and Chinsurah, not admitting of their personal attendance on the court of Sudder Dewanny Adawlut, and the native pleaders attached to that court, not being conversant in the languages in which it has been usual to hold the judicial proceedings in the courts of justice at those settlements, it shall not be required, either from appellants, or respondents, to attend in person, or by vakeel, at the court of Sudder Dewanny Adawlut, for the prosecution or defence of appeals in that court. But if any reference to the parties should be found necessary by the court, or if occasion should arise for any pleading or petition of either party, in addition to the petition of appeal and answer, for which provision is made by the preceding section, such reference shall be made, and pleading or petition received, in like manner, through the judge of the court, in which the sentence or decree appealed from may have been passed; unless the court of Sudder Dewanny Adawlut shall, in any instance, see reason to adopt a different mode of reference to parties in appeals before them; or unless both parties, in any pending appeal, shall, of their own accord, appear personally before that court, or shall appoint one or more of the established pleaders of the court, to appear for them; in which cases the court of Sudder Dewanny Adawlut may refer to the appellant or respondent, or receive pleadings or petitions from either of them, in person, or through their appointed pleaders, as shall be judged proper.

Appellants and respondents not required to attend in person, or by vakeel before the Sudder Dewanny adawlut.

Rule to be observed if any reference to parties should be found necessary by the Sudder Dewanny Adawlut, or if occasion should arise for any pleading, or petition, on appeals to that court, in addition to the petition of appeal and answer, and the parties may not be in attendance, or have appointed an established pleader.

Second. The court of Sudder Dewanny Adawlut are also empowered to receive from any party attending the court in person, or through any of the established pleaders of the court, or on reference to the court, by order of the Governor General in Council, any petitions relative to causes, or matters of judicial cognizance, depending before or decided by the judge at Chandernagore, or Chinsurah,

Court of Sudder Dewanny Adawlut authorized to receive from parties, or through established pleaders, or on reference from government, petitions relative to any matters of judicial cognizance depending be-

fore, or decided by the judge at Chandernagore or Chinſurah, and to iſſue orders thereupon.

Chinſurah, and to iſſue ſuch orders thereupon, as may appear neceſſary and proper; ſo that the ſame be conſiſtent with the general principles and proviſions of this regulation.

Court of Sudder Dewanny Adawlut authoriſed to refer back for further trial and judgment, any cauſe in appeal not ſufficiently inveſtigated; or to direct the taking and tranſmiſſion of further evidence.

VI. In caſes wherein it may appear to the court of Sudder Dewanny Adawlut that the cauſe in appeal has not been ſufficiently inveſtigated, and conſequently that further evidence is required for the juſt determination of it, that court is empowered to refer the cauſe back for further trial and judgment to the court in which it may have been originally tried; or in which it may have been heard in appeal; or to direct that the further evidence required be taken and tranſmitted by the judge at Chandernagore, or Chinſurah, as may be deemed by the court moſt conducive to juſtice, and the convenience of the parties.

All proceſs iſſued by the court of Sudder Dewanny Adawlut to be addreſſed to the judge of the proper court, who is directed to conform thereto, or to certify why he has not carried it into execution.

VII. All proceſs of whatever deſcription, and every rule or order, which may be iſſued by the Sudder Dewanny Adawlut, relative to appeals to that court under this regulation, or relative to any petitions preferred to that court, or referred to it by the Governor General in Council, concerning any cauſe or matter of judicial cognizance, depending before, or decided by the courts of juſtice at Chandernagore, or Chinſurah, ſhall be addreſſed to the judge of the proper court, who is hereby required to conform to all proceſs, rules, and orders, which may be ſo addreſſed to him, under the ſeal of the court and the ſignature of the regiſter, and to perform the exigency thereof, within the time limited for the execution of all ſuch proceſs, rules, and orders, or to certify good and ſufficient reaſon why the ſame has not been carried into execution, as required.

The ſame laws and uſages as govern the deciſions of the courts of juſtice at Chandernagore and Chinſurah, to govern the deciſions of the Sudder Dewanny Adawlut in all appeals

VIII. The laws and uſages which govern the deciſions of the courts of juſtice eſtabliſhed at Chandernagore, and Chinſurah, ſhall alſo govern the deciſions of the court of Sudder Dewanny Adawlut in all appeals under this regulation. The particular law, or uſage, which may have influenced the original judgment, if not ſpecifically

cifically ſtated or referred to, in the ſentence or decree, ſhall be certified with the record of the cauſe tranſmiſſible to the Sudder Dewanny Adawlut in purſuance of Clauſe Second, of Section IV. That court may alſo require evidence of any local uſage, which has reference to the caſe in appeal, and may not appear to have been ſufficiently eſtabliſhed by the proceedings held upon it.

under this regulation. Particular law or uſage which may have influenced the judgment, if not referred to in the decree, to be certified, with the record of the cauſe, to the Sudder Dewanny Adawlut, which court may alſo require evidence of any local uſage.

IX. The regulations which have been enacted, or which may be hereafter enacted, for the general adminiſtration of civil juſtice in the Britiſh provinces, under this Preſidency, and particularly for the guidance of the Sudder Dewanny Adawlut, ſhall not be conſidered applicable to the appeals intended to be provided for by this regulation, except as far as they may be fully conſiſtent with the proviſions contained in it; and may be, in all reſpects, applicable to ſuch appeals. In caſes not affecting the rights of parties however, and particularly as far as reſpects the powers and authority of the Sudder Dewanny Adawlut over the provincial, zillah, and city courts of civil juſtice, the principles of the general regulations in force, ſhall be conſidered applicable to the courts of civil juſtice eſtabliſhed at Chandernagore and Chinſurah.

The regulations in force, or which may hereafter be enacted, for the general adminiſtration of civil juſtice in the Britiſh provinces declared not to be applicable to appeals under this regulation; unleſs fully conſiſtent with the proviſions of it.

But principles of the general regulations in force, declared applicable to the powers and authority of the Sudder Dewanny Adawlut.

X. The court of Sudder Dewanny Adawlut is empowered to frame ſuch rules of practice, as may be found moſt convenient for carrying into full effect the ſeveral proviſions of this regulation; and alſo to preſcribe an obſervance of the ſame to the courts of juſtice at Chandernagore and Chinſurah.

The court of Sudder Dewanny Adawlut empowered to frame rules of practice, and to preſcribe an obſervance of them to the courts of juſtice at Chandernagore and Chinſurah.

XI. No inſtitution fee ſhall be levied upon appeals preferred to the Sudder Dewanny Adawlut under this regulation; nor ſhall it be requiſite to uſe ſtampt paper for the pleadings or decrees upon ſuch appeals; but in the event of its appearing to that court, on conſideration of the proceedings held upon the caſe, that the appeal is without foundation, and evidently vexatious or litigious, it ſhall be puniſhable by a fine to government, proportionable

No inſtitution fee to be levied on appeals to the Sudder Dewanny Adawlut under this regulation, nor ſtampt paper requiſite for the pleadings or decrees thereupon.

But litigious, groundleſs, or vexatious appeals declared puniſhable by a fine to government.

portionable to the circumſtances of the caſe, and the condition of the party, to be determined by the court of Sudder Dewanny Adawlut. Any inſtance of contempt of court, or other perſonal miſconduct, in the courſe of any judicial proceeding before that court, or any contempt of the eſtabliſhed courts of juſtice at Chandernagore and Chinſurah ſhewn by the parties in appeals from thoſe courts, or by any perſon whatever amenable thereto, in any pleading, petition, or other communication to the Sudder Dewanny Adawlut, ſhall alſo be puniſhable by a fine to government to be adjudged by that court. And whenever a fine impoſed under this ſection may not be paid by the party, or be recoverable from his property or ſecurity, he ſhall be liable to cloſe impriſonment in commutation of the fine ſo impoſed, for ſuch period, not exceeding ſix months, as may be ordered by the court of Sudder Dewanny Adawlut.

Contempts of court or other perſonal miſconduct in any judicial proceeding, alſo puniſhable by fine, and parties liable to impriſonment, not exceeding ſix months, when the fine impoſed upon them, may not be paid, or be recoverable from their property or ſecurities.

XII. *Firſt.* In caſes of appeal to the Sudder Dewanny Adawlut, the ſentence or decree appealed from ſhall not be carried into execution, during the appeal to that court, provided the appellant ſhall give good and ſufficient ſecurity for the performance of the final deciſion, which may be paſſed upon the appeal; unleſs in any particular caſe, upon the report of the judge at Chandernagore or Chinſurah, or from other information before the Sudder Dewanny Adawlut, that court ſhall deem it juſt and neceſſary to order the immediate execution of the judgment appealed from. But, to prevent an abuſe of this rule, whenever the court of Sudder Dewanny Adawlut may confirm the decree appealed from, and ſuch decree may not have been executed during the appeal, intereſt at the rate of one per cent per menſem, ſhall be adjudged to the reſpondent, upon all ſums receivable by him under the judgment in his favor, from the date on which ſuch judgment may have been paſſed, together with any coſts which may have been incurred by him upon the appeal.

Execution of decrees to be ſuſpended during appeals to the Sudder Dewanny Adawlut provided the appellant give ſufficient ſecurity for the performance of the final deciſion. Exception.

Proviſions to prevent an abuſe of the above rule.

Second. In the event of the appellants not giving ſufficient ſecurity

Decree to be carried into ex-

curity for ſtaying the execution of the ſentence or decree appealed from, and of its being conſequently put in execution, as well as in caſes wherein the court of Sudder Dewanny Adawlut may direct the execution of a judgment appealed from, before a final determination upon the appeal, good and ſufficient ſecurity ſhall be taken from the reſpondent for the performance of the final deciſion which may be paſſed upon the appeal; and until ſuch ſecurity be received, the reſpondent ſhall not be put in poſſeſſion of any part of the property, or amount, adjudged to him.

ecution, if the appellant fail to give ſecurity, or in caſes wherein the Sudder Dewanny Adawlut may direct the ſame, and ſecurity to be taken from reſpondent for the performance of the final deciſion.

Third. In caſe neither party ſhall be able to give the requiſite ſecurity, the property in diſpute, if land, houſe, or other property capable of attachment, or if the judgment be for money, any property liable to attachment and ſale for the recovery of it, ſhall be attached by order of the court in which the judgment appealed from, may have been paſſed until the ſecurity required be received; or until a final determination be paſſed upon the caſe: and any periſhable property attached in ſuch caſes may, with the ſanction of the Sudder Dewanny Adawlut, be converted into money by public ſale.

Rule to be obſerved if neither party be able to give ſecurity.

XIII. The judgments of the Sudder Dewanny Adawlut ſhall be final and concluſive in all appeals heard and determined by that court, under this regulation, within the limitation preſcribed by the Statute of the 21ſt George III, Cap. LXX, Section XXI; viz. five thouſand pounds; or fifty thouſand current rupees. If the amount or value adjudged ſhall, exclufive of coſts of ſuit, exceed the ſum of five thouſand pounds, or fifty thouſand current rupees, a further appeal will be open to His Majeſty in Council, and ſhall be received by the Sudder Dewanny Adawlut, under the proviſions which have been enacted for receiving ſuch appeals, in Regulation XVI, 1797.

Judgments of Sudder Dewanny Adawlut declared final and concluſive, within the limitation preſcibed by the Statute of the 21ſt George III. Cap. 70. Judgments exceeding fifty thouſand current rupees, exclufive of coſts, appealable to the King in Council, ſuch appeals to be received by the Sudder Dewanny Adawlut under the proviſion of Regulation XVI, 1797.

XIV. The ſuperintendent at Chandernagore and commiſſioner at Chinſurah, on the receipt of this regulation, ſhall cauſe it to be

Superintendent of Chandernagore and Com-

miſſioner at Chinſurah to cauſe this regulation to be tranſlated into the French and Dutch Languages and to be publiſhed for general information.

be exactly tranſlated into the French and Dutch languages, and to be publiſhed in the courts of juſtice, at thoſe ſettlements, as well as in ſuch other places, and in ſuch manner, as may be cuſtomary, for general information.

A. D. 1805. REGULATION II.

A REGULATION *to explain the existing limitations of time for the cognizance of suits in the civil courts of justice; to provide further limitations with respect to certain suits, regular and summary; and to make other provisions, relative to the admission and trial of original suits, and of appeals*—PASSED *by the Governor General in Council, on the* 18*th February* 1805; *corresponding with the* 8*th Phaugun* 1211 *Bengal era; the* 5*th Phaugun* 1212 *Fussily; the* 8*th Phaugun* 1212 *Willaity; the* 5*th Phaugun* 1861 *Sumbut; and the* 17*th Zekaad* 1219 *Higeree.*

Preamble.

BY Section XIV, Regulation III, 1793, the zillah and city courts are prohibited from "hearing, trying or determining "the merits of any suit whatever against any person or persons, "if the cause of action shall have arisen previous to the 12th "August 1765," (the date of the Company's accession to the dewanny of the provinces of Bengal, Behar and Orissa); "or "any suit whatever, against any person or persons, if the cause "of action shall have arisen twelve years before any suit shall "have been commenced on account of it; unless the complai-

"nant

" nant can ſhew, by clear and poſitive proof, that he had de-
" manded the money or matter in queſtion, and that the de-
" fendant had admitted the truth of the demand, or promiſed
" to pay the money," (within the laſt twelve years, ſo as to con-
ſtitute a new ground of action within the limited period), " or
" that he directly preferred his claim within twelve years," (after the origin of the cauſe of action) " for the matters in diſpute, to
" a court of competent juriſdiction to try the demand: and
" ſhall aſſign ſatisfactory reaſons to the court why he did not
" proceed in the ſuit; or ſhall prove that either from minority
" or other good and ſufficient cauſe he had been precluded from
" obtaining redreſs:" the ſame prohibitions have been extended to the province of Benares by Section VIII. Regulation VII, 1795 with certain exceptions ſpecified in that ſection; and with the ſubſtitution of the date of 1ſt July 1775, (being the date of the ceſſion of that province to the Company); beyond which no retroſpective claims are judicially cognizable therein, except thoſe of diſpoſſeſſed zemindars, in certain caſes, under a proviſion made with the concurrence of the Rajah of Benares as ſtated in Clauſe Fifth, of Section III, Regulation I, 1795. By Clauſe Firſt, of Section XVIII, Regulation II, 1803, the courts of adawlut, which have been recently eſtabliſhed in the provinces ceded by the Nawaub Vizier to the Company on the 10th November 1801, " are prohibited from hearing, trying or determining any
" civil ſuit whatever, if the cauſe of action ſhall have ariſen at
" a period, being twelve years antecedent to the date on which
" the petition for the inſtitution of ſuch ſuit ſhall be preſented
" to the court." But this rule, which is explained and reſtricted by Clauſe Second of the above ſection, is to remain in force only until the period of twelve years, ſhall have elapſed, from the date of the ceſſion of the ſaid provinces, after which, by Clauſe Third of the ſection abovementioned, the ſame rules of limitation have been preſcribed for the ceded provinces, as in the other provinces; with the ſubſtitution of the 10th day of November 1801, as the limit of judicial cognizance in the ceded territory

ritory, after twelve years from that date. The period of twelve years, adopted in all theſe proviſions, appears to have been eſtabliſhed when the adminiſtration of civil juſtice was firſt committed to the ſervants of the Company, on the inſtitution of courts of dewanny adawlut in the year 1772: and in the plan for the adminiſtration of juſtice then propoſed by the committee of circuit (which was adopted by government on the 21ſt Auguſt 1772). It is remarked, that "by the Mahomedan law, all "claims which have lain dormant for twelve years, whether "for land, or money, are invalid: this alſo is the law of the "Hindoos; and the legal practice of the country." This obſervation does not appear to be correct with reſpect to the Hindoo and Mahomedan laws; though it may have been ſo with regard to the legal practice of the country; and whether previouſly eſtabliſhed or not, the rule having now been in force above thirty years, it would be improper to abrogate it. The declared grounds, however, on which this limitation was introduced viz. "the litigiouſneſs and perſeverance of the natives of this "country in their ſuits and complaints, often productive not "only of inconvenience and vexation to their adverſaries, but "alſo of endleſs expenſe and actual oppreſſion;" are not applicable to ſuits for the recovery of the public rights and dues which may be inſtituted on the part of government, under the proviſions made by the regulations for ſubjecting the public claims and intereſts to the cognizance and deciſion of the eſtabliſhed courts of juſtice. For ſuch ſuits and claims, the unlimited time heretofore allowed by the laws of England, (as by thoſe of the Hindoos) has been latterly reſtricted to a period of ſixty years; being the largeſt period fixed for the judicial cognizance of the claims of individuals in particular caſes. This period is recognized by the proviſions of the Hindoo law in regard to individuals; and is not incompatible with thoſe of the Mahomedan law. Under the former, it is applied to private rights and claims in caſes of unmoleſted poſſeſſion, unleſs there be proof of a bad title, and the diſtinction between *bonâ fide* poſſeſſion

poſſeſſion under a title believed by the poſſeſſor to be good and ſufficient, and *mala fide* poſſeſſion, obtained by fraud or violence, has been taken in the Hindoo law, as in the laws of other countries, wherein long and peaceable poſſeſſion is held and admitted to eſtabliſh a right of poſſeſſion and property; or at leaſt to bar any legal claim of redreſs againſt the poſſeſſor. The period of time required to eſtabliſh a right of uſucaption and preſcription has been different, under different legal proviſions, and being arbitrary, the Governor General in Council does not judge it neceſſary to alter the period which has been ſo long eſtabliſhed in theſe provinces, under certain exceptions and proviſions for minority, and other good and ſufficient cauſe of delay in the judicial proſecution of demands of right beyond that period. But it is proper that the limitation of twelve years, (with ſuch exceptions and proviſions) ſhould be reſtricted, in caſes of land, houſes, or other permanent immovable property, to poſſeſſion under a juſt and honeſt title, and that a longer period ſhould be allowed for the cognizance of claims of right to ſuch property, if the claimant can ſhew, by ſufficient proof, that the perſon in poſſeſſion acquired the ſame by violence, fraud, or by any other unjuſt and diſhoneſt means: or that the property claimed was ſo acquired by any other perſon, from whom the actual occupant has derived his title; and has not been ſubſequently held under a juſt and honeſt title during the fixed period of preſcription for *bonâ fide* poſſeſſion: It is further requiſite that a limitation of time ſhould be fixed for the delivery of applications to the courts of juſtice to obtain the ſummary inquiry and proceſs, which has been authorized by the regulations, in caſes of arrears of rent, due to proprietors and farmers of land from their under-tenants; of forcible diſpoſſeſſion from land, crops, or other property; and of the unlicenſed ſale or manufacture of intoxicating liquors or drugs, for which a penalty is recoverable by ſummary proceſs in the civil courts; as well as in other inſtances wherein a ſummary proceſs is authorized by the regulations; or penalties, or penal damages, are ſanctioned by them; and

declared

declared to be recoverable by judicial proceſs. Moreover the limitation of time for preferring appeals to the ſeveral courts of judicature poſſeſſing appellate juriſdiction, has been found in ſome inſtances too ſhort, from unavoidable delay in delivering copies of the decrees given againſt parties not perſonally preſent; and, in caſes wherein government has been a party from the further delay that has occurred, in the tranſmiſſion of a copy of the decree, through the uſual official channel, to the Governor General in Council, whereby the public rights and intereſts have been liable to ſuffer injury. To provide therefore more effectually for ſecuring the rights of the public, and of individuals, in the ſeveral caſes herein recited, as well as to make further proviſion for the due adminiſtration of juſtice in other caſes, connected therewith, as herein after ſpecified, His Excellency the Moſt Noble the Governor General in Council has enacted the following regulation, to be in force, as ſoon as promulgated, in the provinces of Bengal, Behar, Oriſſa, and Benares; and in the provinces ceded to the Honorable the Engliſh Eaſt India Company, by the Nawaub Vizier.

II. *Firſt.* The limitation of twelve years for the commencement of civil ſuits, under certain proviſions and exceptions, which, in purſuance of former rules and practice, has been continued and preſcribed by Section XIV, Regulation III, 1793: Section VIII, Regulation VII, 1795: and Section XVIII, Regulation II, 1803; ſhall not be conſidered applicable to any ſuits for the recovery of the public revenue, or for any public right or claim whatever, which may be inſtituted by, or in behalf of government, with the ſanction of the Governor General in Council; or by direction of any public officer or officers, who may be duly authorized to proſecute the ſame on the part of government.

Limitation of twelve years for commencement of civil ſuits, preſcribed by exiſting regulations, not applicable to any public claims, inſtituted, on the part of government, by perſons duly authorized.

Second. All claims on the part of government, whether for the aſſeſſment of land held exempt from the public revenue without legal and ſufficient title to ſuch exemption, or for the recovery of arrears

All claims on the part of government, for the cognizance of which no ſpecial rule may be in force, declared cognizable

under the regulations, if duly preferred within sixty years, from the origin of the cauſe of action;

arrears of the public aſſeſſment, or for any other public right whatever, (the judicial cognizance of which may not have been otherwiſe limited by ſome ſpecial rule or proviſion in force) ſhall be heard, tried, and determined in the ſeveral courts of civil juſtice, to which the cognizance thereof may properly belong, under the general regulations which have been or may be hereafter enacted, if the ſame be regularly and duly preferred at any time within the period of ſixty years from and after the origin of the cauſe of action; provided that ſuch cauſe of action ſhall not have originated within the provinces of Bengal, Behar, and Oriſſa, before the 12th Auguſt A. C. 1765; or within the province of Benares before the 1ſt July A. C. 1775, or within the provinces ceded by the Nawaub Vizier before the 10th November A. C. 1801; being the periods of the Company's acceſſion to the civil government of the above provinces reſpectively.

Provided the cauſe of action ſhall not have ariſen before the period of the Company's acceſſion to the civil government of the ſeveral provinces ſpecified.

Limitation of twelve years alſo declared not applicable to private claims of right to immoveable property, if the perſon in poſſeſſion ſhall have acquired poſſeſſion by violence, fraud, or other unjuſt, diſhoneſt means.

III. *Firſt.* The limitation of twelve years fixed by Section XIV, Regulation III, 1793, Section VIII, Regulation VII, 1795, and Section XVIII, Regulation II, 1803, ſhall alſo not be conſidered applicable to any private claims of right to lands, houſes, or other permanent, immovable property; if the perſon or perſons in poſſeſſion of ſuch property, when the claim of right thereto may be preferred in a competent court of judicature, ſhall have acquired poſſeſſion thereof by violence, fraud, or by any other unjuſt, diſhoneſt means whatever; or if ſuch property ſhall have been ſo acquired by any other perſon or perſons from whom the actual occupant or occupants may have derived his or their title, and ſhall not have been ſubſequently held under a juſt and honeſt title (ſuch as inheritance, purchaſe, fair donation, or any other fair title believed to have conveyed a right of poſſeſſion and property) during a period of twelve years antecedent to the time of preferring a claim of right thereto in a competent court: provided that ſuch violent, fraudulent, unjuſt or diſhoneſt acquiſition be eſtabliſhed to the ſatisfaction of the court in which the claim may be preferred; or, if the ſuit be appealable, to the ſatisfaction of the proper court of appeal.

Or if the perſon from whom the actual occupant derived his title, ſhall have acquired poſſeſſion by ſuch means; and the property may not have been ſubſequently held, under a fair title believed to convey right for twelve years.

Provided that ſuch violent, fraudulent, unjuſt, or diſhoneſt acquiſition, be eſtabliſhed.

Second.

Second. In all such cases, viz. when the original cause of action may have arisen more than twelve years before the institution of the suit, and the claim may not be cognizable under the exceptions and provisions contained in the regulations and sections above cited, but may be nevertheless cognizable under the provision made by the preceding clause, from the defendant's having acquired possession of the claimed property by violence, fraud, or other unjust and dishonest means; or from the property after being so acquired by any other person not having been subsequently held by the present occupant and his predecessors under a just and honest title during the prescribed period of twelve years; the plaintiff shall set forth the same distinctly, either in his petition of plaint; or in his replication. The court, after taking the answer and rejoinder of the defendant, shall, if the alleged unjust and dishonest acquisition be denied by the defendant, examine any evidence that may be adduced by the plaintiff in proof of his allegation; as well as any evidence that may be brought by the defendant to prove his just and honest acquisition of the property claimed, or the just and honest possession thereof by himself and his predecessors during more than twelve years; after which the court shall determine whether the suit in question be cognizable under the present rule and section or otherwise; and if such determination be in favor of the plaintiff; or in appealed cases, if a determination for the cognizance of the suit be passed by the court of appeal; the merits of the plaintiff's claim of right shall be heard, tried, and determined, notwithstanding the lapse of time, in like manner as if the claim had been regularly preferred within twelve years after the origin of the cause of action.

Mode of proceeding to be observed in the cases provided for by the preceding clause.

Plaintiff to set forth the circumstances of unjust, or dishonest acquisition in his plaint or replication. Evidence to be taken from both parties, if the allegation be denied by the defendant.

Determination to be passed by the original court; and by the court of appeal, in appealed cases.

And claim of right, if declared cognizable, to be tried and determined, as if preferred within twelve years after the origin of the cause of action.

Third. Provided, that nothing in the preceding clause of this section, or in any part of the existing regulations, shall be held to authorize the cognizance of any suit whatever in any court of justice, if the cause of action shall have arisen sixty years before the institution of such suit: nor shall any plea on the part of

No suit whatever to be held cognizable, in any court of justice, if the cause of action shall have arisen sixty years before the institution of it.

of the plaintiff for the non-profecution of his claim of right during a period of ſixty years after the origin of his alleged cauſe of action, nor any original defect of title on the part of the poſſeſſor of the property claimed after the lapſe of ſuch period; be deemed a ſufficient ground for taking judicial cognizance of any ſuit ſo preferred. Moreover, although the property claimed may have been acquired by an inſufficient title within the period of ſixty years, hereby fixed as the utmoſt limit for the cognizance of any claims in the eſtabliſhed courts of juſtice, if the property ſo acquired ſhall have deſcended by inheritance to the perſon in poſſeſſion, when the claim thereto may be preferred after a lapſe of twelve years; or if ſuch perſon ſhall have obtained juſt and honeſt poſſeſſion thereof by purchaſe, fair donation, or by any other title believed to be juſt and valid, and not appearing to be in any reſpect colluſive for the purpoſe of depriving the plaintiff of his right, and either ſuch occupant himſelf, or any other perſon in his behalf, or from whom the property may have been obtained, under any of the titles aforeſaid, or the whole in ſucceſſion ſhall have held quiet and unmoleſted poſſeſſion, under a title believed to be juſt and valid, during a period of twelve years antecedent to the time of a claim thereto being preferred in a competent court; the proviſions made by Clauſes Firſt and Second, of this ſection, ſhall not be conſidered applicable to any private claims to property ſo circumſtanced, which are therefore to be deemed inadmiſſible as heretofore after twelve years from the origin of the cauſe of action, unleſs the ſame be cognizable under the exceptions and proviſions already in force.

Clauſes Firſt and Second of this ſection further declared inapplicable to any private claims to property acquired by an inſufficient title within ſixty years, if held by the actual occupant, or in his behalf, or by the perſons from whom he may have obtained it without moleſtation and under a title believed to be juſt and valid, during twelve years antecedent to the inſtitution of the ſuit.

Proviſions already in force as ſtated in Clauſe Second, of this ſection, applicable to all ſuch caſes.

Fourth. Provided further, that no length of time ſhall be conſidered to eſtabliſh a preſcriptive right of property, or to bar the cognizance of a ſuit for the recovery of property, in claſes of mortgage, or depoſit, wherein the occupant of the land or other property may have acquired, or held poſſeſſion thereof as mortgagee or depoſitary only, without any proprietary right; nor in

Further proviſion for caſes of mortgage and depoſit. No length of time to bar the cognizance of ſuits for the recovery of property in ſuch caſes.

any

any other case whatever wherein the possession of the actual occupant, or of those from whom his occupancy may have been derived, shall not have been under a title *bonâ fide* believed to have conveyed a right of property to the possessor.

Nor in any case wherein the possession shall not have been under a title believed to have conveyed a right of property to the possessor.

IV. *First.* The provisions contained in Section XV, Regulation VII, 1799, Section XIV, Regulation V, 1800, and Section XXXII, Regulation XXVIII, 1803; for the arrest of defaulting under-tenants, and their sureties from whom arrears of rent may be due to proprietors and farmers of land, and for a summary inquiry to be made by the judges of the zillah and city courts when the parties so arrested for arrears of rent may be brought before them, are from the terms and objects of such provisions evidently intended to be applicable only to recent arrears of rent, due in the course of the current year, or immediately after the close of it; and it is hereby declared, that the summary inquiry and process authorized by the above regulations shall not be applied to any arrear of rent, or other demand which may have been due more than a complete year, before the delivery of the petition of arrest, and application for such summary inquiry and process, as directed by the regulations above cited. Provided however, that this restriction shall not be considered to preclude the judges of the zillah and city courts, (or their registers, or the collectors, to whom such inquiry may be committed by them,) from including in the adjustment of recent arrears in such cases, any arrear which may be found due beyond the period of one year, if the same shall appear equitable.

Explanation of provisions in existing regulations for summary process to recover arrears of rent.

Applicable to recent arrears of rent only.

And not to be applied to any demands due for more than a complete year before the application for such process.

But judges, registers, and collectors, in the adjustment of arrears, in such cases, may include arrears due for more than one year, if it appear equitable.

Second. The rule of limitation prescribed by the above clause is also hereby extended to applications for summary process by landholders and farmers, against their agents employed in the management of their estates and farms, or in the collection of their rents, under the provisions made by Section XX, Regulation VII, 1799; Section XIX, Regulation V, 1800, and Section XXXVII, Regulation XXVIII, 1803; which authorize such process for the arrest

Limitation in this above clause extended to applications for summary process by landholders and farmers, against their agents, under existing regulations.

arreſt and impriſonment of the agents of landholders and farmers, whilſt in their ſervice, or immediately after the reſignation or diſmiſſion of agents of the above deſcription, on account of demands for money in their hands, or for accounts which they may refuſe to render, or for any matter relating to the diſcharge of their reſpective truſts.

Explanation of provisions in existing regulations, for preventing affrays reſpecting diſputed boundaries, crops, or other property.

V. The proviſions contained in Regulation XLIX, 1793, Regulation XIV, 1795, and Regulation XXXII, 1803, for preventing affrays reſpecting diſputed boundaries, crops, and other property, (whereby the judges of the zillah and city civil courts, are directed to take immediate cognizance of complaints of forcible diſpoſſeſſion; and upon the previous poſſeſſion of the complainant being proved to their ſatisfaction, to cauſe the diſputed land, crops, or other property of which he may have been forcibly diſpoſſeſſed, to be reſtored to him without enquiring into the merits of the claim of the diſpoſſeſſor,) were likewiſe evidently intended to provide for the immediate cognizance of complaints of forcible diſpoſſeſſion, preferred at the time of ſuch diſpoſſeſſion, or as ſoon afterwards as circumſtances might admit. But no period having been limited for ſuch complaints; it is hereby declared, that the ſummary inquiry and reſtoration to poſſeſſion authorized by the regulations abovementioned, ſhall be reſtricted to caſes of forcible diſpoſſeſſion which may be complained of to the proper zillah or city court, within three months after ſuch diſpoſſeſſion ſhall have taken place; unleſs it be clearly ſhewn and eſtabliſhed, that the complainant was prevented by good and ſufficient cauſe from preferring his complaint, either in perſon or by his repreſentative within that period.

Summary inquiry and reſtoration to poſſeſſion reſtricted to caſes of forcible diſpoſſeſſion, which may be complained of within three months after ſuch diſpoſſeſſion.

Unleſs it be ſhewn that ſufficient cauſe prevented the complaint being preferred within that period.

All ſuits, complaints and informations, for fines or penalties, receivable by government or by the informer, under the regulations for the recovery of which no ſpeci-

VI. All ſuits, complaints and informations, cognizable by the civil courts of judicature, for the recovery of any fine or penalty receivable by government, or by the informer, on account of the unlicenſed manufacture or ſale of intoxicating liquors or drugs; the illicit manufacture or ſale of ſalt or opium

the

the fraudulent evaſion of the ſtamp duties preſcribed by the regulations, or on account of any other fines or penalties recoverable, either by a regular ſuit or by ſummary proceſs in the courts of Dewanny Adawlut, under any regulation in force which may not have fixed a ſpecific period for the recovery thereof, ſhall be preferred to the proper courts, in ſuch manner as the regulations require, within one year after the act, for which the fine or penalty may be demandable, ſhall have been committed; and no ſuch ſuit, complaint or information (not otherwiſe ſpecially provided for,) ſhall be admitted and proceeded upon in any court of juſtice after the period preſcribed; unleſs the ſame be proſecuted on the part of government, and good and ſufficient cauſe be aſſigned why it has not been brought forward to judicial cognizance within one year after the commiſſion of the act whereupon the fine or penalty ſued for is demandable.

the period may have been fixed, to be preferred within one year after the act for which the fine or penalty may be demandable.

No ſuch ſuit, complaint, or information, to be admitted after the preſcribed period; unleſs proſecuted on the part of government, and ſufficient cauſe be aſſigned for the delay.

VII. All ſuits and complaints for penal damages (viz. for pecuniary penalties on account of any act or omiſſion, in oppoſition to the laws and regulations excluſive of a compenſation for actual loſſes); in caſes wherein ſuch damages are allowed by the regulations to individuals, and for the recovery of which by judicial proceſs no ſpecific period may have been fixed, are alſo required to be preferred to the proper courts of juſtice, within one year, after the cauſe of action ſhall have ariſen, or as ſoon afterwards as it may be in the power of the party aggrieved to prefer the ſame, and no ſuch ſuit or complaint ſhall be received and proceeded upon in any court of juſtice, after the expiration of one year from the time when the alleged cauſe of action may have ariſen without good and ſufficient cauſe being aſſigned why the ſame has not been judicially proſecuted at an earlier period: Provided, that this reſtriction be underſtood to be ſtrictly applicable to claims to penal damages only (as above deſcribed) and be not conſidered applicable to any ſuits for the recovery of the property, or for the value of property, appertaining to the plaintiff; or for a compenſation or indemnification on account

Suits and complaints for penal damages allowed by the regulations to individuals, and for the recovery of which no ſpecific period may have been fixed, to be alſo preferred within one year after the cauſe of action ſhall have ariſen; or as ſoon afterwards as poſſible.

No ſuch ſuit or complaint to be received, after one year, without ſufficient cauſe, why it was not proſecuted at an earlier period?

But this reſtriction is not applicable to any ſuits for the recovery of property, or the value of property, appertaining to the plaintiff; or to ſuits for compenſation or indemnification on

account of damage to, or loſs of, property. The general rules of limitation, as in other ſuits for recovery of private rights, to be applied in ſuch caſes.

account of any damage to, or loſs of property actually ſuſtained by, the plaintiff; in all which caſes the general rules of limitation, are to be applied, as in other ſuits of individuals for the recovery of their rights in the civil courts.

Periods for preferring appeals limited by the exiſting regulations to be calculated from the delivery, or tender, of the decree appealed from, to the appellant or his vakeel, as directed by the regulations.

VIII. The copies of decrees paſſed by the civil courts of juſtice not being always prepared in time to be delivered or tendered in open court to the parties; or their vakeels, within ten days after paſſing the decree, as directed in Section XXVI, Regulation IV, 1793; (extended to Benares by Regulation VIII, 1795;) and in Section XXVII, Regulation III, 1803; (for the ceded provinces), and ſuch delivery or tender of the decrees of the zillah courts being ſometimes delayed, from unavoidable cauſes till nearly, or even until after, the expiration of the period limited for appeals; whereby the parties who may not be preſent when judgments are paſſed againſt them in the civil courts, are precluded from having the proper means of determining whether to appeal, from ſuch judgments, or otherwiſe; It is hereby provided, that the period of three months, which is limited by the exiſting regulations for appeals from the deciſions of the zillah and city courts to the provincial courts of appeal, and from the deciſions of the latter courts to the court of Sudder Dewanny Adawlut, as well as the period of one month limited for appeals from the deciſions of the regiſters and native commiſſioners to the judges of the zillah and city courts, and the period of ſix months limited for receiving appeals from the judgments of the courts of Sudder Dewanny Adawlut to His Majeſty in Council, ſhall be calculated reſpectively, from the date on which a copy of the decree appealed from may have been delivered, or tendered in open court, to the appellant or his vakeel, as directed by the regulations abovementioned; or, in the event of neither the party or his vakeel being preſent to receive a copy of the decree, when ready to be delivered to him, the calculation ſhall be from the date on which the cauſe of the non-delivery of the decree may be noted upon the copy prepared for

delivery,

delivery, under the official signature of the judge, register, or native commissioner as provided for by the regulations in such cases. The rule prescribed to the judges and registers of the zillah and city courts, for endorsing on the copies of decrees delivered or tendered by them, as well as inserting in their records, the date of delivering or tendering such copies, is also to be carefully observed by the native commissioners, that the exact period of such deliveries or tenders may be at all times ascertainable; and the judges are to communicate this rule to the native commissioners within their respective jurisdictions, for their information and guidance.

Rule prescribed to the zillah judges and registers for endorsing and recording the date of delivering, or tendering copies of decrees, to be also carefully observed by the native commissioners.

IX. In all original suits, or appeals, wherein government may be one of the parties, the court which may pass judgment, whether for or against government, shall in addition to the copies of decrees required by the existing regulations to be delivered to the parties; transmit a copy of the decree, as soon as the same can be prepared, to the secretary to the government in the judicial department, for the information of the Governor General in Council. Such copies of decrees are not required to be upon stampt paper; but are to be duly authenticated by the official seal and signature of the judges, by whom the same may have been passed, and are to be accompanied with an English translation.

In suits and appeals wherein government may be one of the parties, a copy of the decree to be sent, as soon as it can be prepared, to the secretary to government in the judicial department.

Such copies of decrees not required to be upon stampt paper, but to be duly authenticated, and accompanied with translations.

X. *First.* The power which has been vested in the provincial courts of appeal by Section XXIV, Regulation XLIX, 1803, to admit a special appeal from the decrees of the zillah and city courts in cases wherein a regular appeal may not lie to them; if on the face of the decree, or from any information before the court of appeal, it shall appear to them erroneous or unjust, or if from the nature of the case, as stated in the decree, or otherwise, it shall appear to them of sufficient importance to merit a further investigation in appeal; is hereby declared to be equally vested in the court of Sudder Dewanny Adawlut, with respect to any

Power of admitting a special appeal, in certain cases, which has been vested in the provincial courts by Section XXIV, Regulation XLIX, 1803, declared to be equally vested in the court of Sudder Dewanny Adawlut, with respect to decrees passed by the provincial courts, not open to the regular appeal.

decrees

decrees passed by the provincial courts of appeal, which, from the amount or value of the cause of action, may not be open to the regular appeal to that court, but on any of the grounds above stated, may appear to merit a further investigation.

Provisions in Clause Second, of Section XXIV, Regulation XLIX, 1803, applicable to the authority vested in the Sudder Dewanny Adawlut by the present section.

Second. The provisions contained in Clause Second, of Section XXIV, Regulation XLIX, 1803, explanatory and restrictive of the discretionary authority vested in the provincial courts by that section, are to be considered equally applicable to the authority vested in the court of Sudder Dewanny Adawlut by the present section. The provincial courts will consequently be still at liberty to receive petitions, in conformity to Section II, Regulation II, 1798, and Section XXX, Regulation IV, 1803, for the revision of their own judgments, in cases not regularly appealable to the Sudder Dewanny Adawlut: but any petitions for a special appeal to that court, under the preceding clause of this section, are to be presented to the Sudder Dewanny Adawlut, with a copy of the decree of the provincial court, and with the institution fee and security required in other cases of appeal.

Petitions for Special appeals to Sudder Dewanny Adawlut to be presented to that court, with a copy of the decree appealed from; and with the institution fee and prescribed security.

Authority vested in the provincial courts by Section IX, Regulation II, 1801, and Clause Twelfth, Section XII, Regulation IV, 1803, extended to cases wherein the zillah and city courts may refuse to admit, hear, and determine, an original suit, on the ground of delay, informality, or other default; or may dismiss it on the ground of some default, without investigation of the merits of the cause.

XI. The authority vested in the provincial courts of appeal by Section IX, Regulation II, 1801, and Clause Twelfth, of Section XII, Regulation IV, 1803, to receive appeals from the decrees and orders of the judges of the zillah and city courts, in all cases wherein the latter may have refused to admit an appeal from the decisions of their registers, or of the native commissioners; on any ground of delay, informality, or other default in preferring it, or after having admitted the appeal, may dismiss it on the ground of some default, without investigation of the merits of the cause, is hereby extended to all cases wherein the judges of the zillah and city courts may refuse to admit, hear and determine an original suit preferred to them, on the ground of delay, informality or other default in preferring it; or having admitted the suit, may dismiss it on the ground of some default, without investigation of the merits of the cause; and all such cases are accordingly

declared

declared appealable to the provincial courts of appeal, whatever may be the amount, or value at iſſue in the cauſe. The proviſions contained in the ſections abovementioned for ordering a trial and determination of the cauſe upon its merits in the zillah, or city court, if it ſhall appear to the provincial court that the ſuit has been rejected or diſmiſſed upon inſufficient grounds; as well as for puniſhing litigious appeals, in the caſes therein ſtated, ſhall be held equally applicable to the appeals preferred under this ſection; as ſhall alſo the ſeveral proviſions contained in Section XXVI, Regulation XLIX, 1803, with reſpect to the receipt of ſuch appeals, without any inſtitution fee; the pleadings and ſummary proceedings to be held upon them; the notice to be given to reſpondents; the ſecurity to be required from the appellant or reſpondent; and the fees to be allowed to the pleaders employed in ſuch caſes.

Proviſions in ſections abovementioned, and in ſection XXVI, Regulation XLIX, 1803 to be held applicable to all appeals under the preſent ſection.

XII. The abſolute revocation by Sections III and IV, Regulation XII, 1797, of the option given by Section X, Regulation VI, 1793, to perſons deſirous of appealing to the Sudder Dewanny Adawlut, either to preſent their petitions of appeal to that court, or to the court in which the decree appealed againſt may have been paſſed; as well as of the ſimilar option given by Section XII, Regulation V, 1793, with reſpect to appeals to the provincial courts, from the decrees of the zillah and city courts, having been found productive of inconvenience and hardſhip, in particular caſes wherein the parties from not being fully adviſed of the rules referred to, have reſorted under the option firſt given, to the courts of appeal; it is hereby declared, in qualification of Sections III and IV, Regulation XII, 1797, as well as of Section XII, Regulation IV, 1803, and Section X, Regulation V, 1803; that the court of Sudder Dewanny Adawlut and the ſeveral provincial courts of appeal may, in any particular caſe, if they ſee reaſon for ſo doing, receive and admit petitions of appeal, in caſes appealable to them reſpectively under the regulations, inſtead of requiring the appellant to preſent his petition of appeal, in the firſt inſtance to the court,

Qualification of ſuch part of the exiſting rules for preferring appeals, as require that the petition of appeal be preſented, in all caſes, to the court in which the decree appealed from may have been paſſed.

Court of Sudder Dewanny Adawlut and provincial courts may, in particular caſes, receive and admit petitions of appeal; although preſented to them in the firſt inſtance.

court, in which the judgment appealed from may have been passed. Provided however, that the petitions of appeal so received and admitted be accompanied with an authenticated copy of the decree appealed against; as well as with the requisite institution fee and security for the eventual costs of appeal (in cases wherein such are required by the regulations,) and security for vakeel's fees, (if a vakeel be employed;) unless the appellant be a pauper; in which case, to render his petition of appeal admissible, he must conform to the rules prescribed for the admission of appeals *in formâ pauperis*.

Petitions of appeal, in such cases, to be accompanied with a copy of the decree appealed from; and the requisite institution fee and security.

XIII. To obviate all doubt whether the summary processes authorized by the regulations herein before specified for the recovery of arrears of rent due to landholders and farmers from their under-tenants; and for recovering the possession of land, crops, or other property, in cases of forcible dispossession; as well as the summary inquiries which are provided for by the regulations to be made by the judges of the zillah and city courts of Dewanny Adawlut, in cases of information against unlicensed manufacturers or venders of intoxicating liquors and drugs; and in other similar instances be meant by the regulations, to be personally and exclusively committed to the judges of the above courts (and to the assistant judges where any may have been appointed under Regulation XLIX, 1803) or be referrible in common with regular suits, to their registers; it is hereby explained, that all such summary inquiries and processes are to be conducted, as far as practicable, by the judges (and assistant judges) in person; with the assistance of the collectors in adjusting accounts of arrears of rent between proprietors and farmers of land, and their under-tenants, as expressly authorized by Section XV, Regulation VII, 1799, and Section XXXII, Regulation XXVIII, 1803; but that whenever, from the urgency of other depending causes and business before the zillah and city judges (and the assistant judges) they may not be able to make the summary inquiries above noticed with the expedition requisite in such cases, they

Explanation, by whom the summary inquiries authorized by the regulations, for the recovery of arrears of rent, and for the possession of land, crops, or other property, as well as in cases of information against unlicensed manufacturers or venders of intoxicating liquors or drugs, and other similar instances, are to be made.

Such summary inquiries to be conducted, as far as possible, by the judges (and assistant judges) in person; with the assistance of the collectors in adjusting accounts of arrears of rent.

But the judges are authorized to refer such cases to their registers, when they may not be able to make the inquiry themselves, with the requisite expedition; provided the cause

are

are authorized to refer the same to their registers, to proceed thereupon according to the regulations; provided that the cause of action be such as would be referrible to their registers in a regular suit, under the rules prescribed for such references, and provided also that the judge, who may have referred any such case for summary inquiry by his register, may at any time recal the same if he should see occasion for it; or, if he should subsequently find time to investigate the case himself. The judge is likewise empowered in any particular case which may appear to require it, to revise and amend any order passed by his register in such cases, on representation from the parties, or otherwise.

of action be such as would be referrible to their registers in a regular suit.

The judge may, at any time, recal such reference to his register, and investigate the same himself.

And may, in particular cases appearing to require it, revise and amend the order passed by the register.

XIV. *First.* The explanation contained in the preceding section is not of course meant to restrict the power of the zillah and city registers to conduct the summary inquiries therein referred to, whenever they may be vested with authority to officiate as judges, during the absence of the judge, or during a vacancy in the office of judge, or otherwise, under the provisions contained in Regulation IV, 1796, and Section XXIII, Regulation II, 1803.

Explanation in preceding section not meant to restrict the power of the registers, when vested with authority to officiate as judges.

Second. It is hereby further declared, in explanation of Section V, Regulation IV, 1796, and Section XV, Regulation XII, 1803, which prescribe the duties to be performed by the register, when not provisionally invested with the authority of judge, that the register in such case, is authorized, during the absence of the judge, or during a vacancy in the office of judge, to conduct, in conformity to the regulations, any of the summary inquiries referred to in this regulation, which may appear to require immediate attention and process. The register is also authorized, in such cases, although not vested with the full powers of judge, to receive any new suits of whatever description which may be instituted according to the regulations; to refer to the native commissioners such as may be cognizable by them; to try himself any suits which would have been referrible to him by the judge under

Further declaration of the register's powers in the absence of the judge, or during a vacancy in the office, although he may not have been invested with authority of judge.

May conduct in conformity to the regulations, any of the summary inquiries referred to, which require immediate attention and process.

May also receive any new suits, instituted according to the regulations.

Refer to native commissioners such as are cognizable by them.

Try himself any

Suits referible to him, under prescribed limitations,

And summon defendants, receive pleadings, documents, and lists of witnesses, in suits cognizable by the judge only.

May likewise in cases of urgency, but not otherwise, take the evidence of witnesses in the suits last mentioned.

under the prescribed limitations (subject to the appeal provided in all cases from the decisions of the register to the judge); and to proceed upon suits which are exclusively cognizable by the judge, so far as to summon the defendant, and receive the pleadings of the parties, or of their vakeels, with any written documents or lists of witnesses which may be offered by them; but no further, unless, in any instance, there shall appear to be urgent reason to take the evidence of any witness or witnesses in such suits; in which case the register in charge may take, or cause to be taken, the depositions of such witnesses, in the mode prescribed by Section XXI, Regulation XLIX, 1803; or, if the witnesses be resident in a different jurisdiction, and at a distance exceeding fifty cos, in the mode prescribed by Section VI, Regulation IV, 1793, and Section VII, Regulation III, 1803, for the examination of witnesses in such cases.

Appeals from decisions of native commissioners not to be tried by any register, who may not have been authorized to act as judge, without special authority for this purpose.

Nor any register, though authorized to officiate as judge to hear appeals from judgments, passed by himself.

In such cases, as well as in all cases of appeals from decisions of the registers when there may be no judge, or acting judge, on the spot, the provincial court may, to obviate unnecessary delay, remove the appeal from the zillah or city court, to the provincial court; and proceed thereupon as on other appeals.

Third. No appeals from decisions of the native commissioners shall be tried by any register who may not have been authorized by the Governor General in Council to act as judge; unless he shall receive special authority for this purpose from the Governor General in Council, under the regulations above noticed; and no register authorized to officiate as judge is of course, to hear and determine any appeal from judgments which may have been previously passed by himself as register. In such cases as well as in all cases of appeals from the decisions of the registers, when there may be no judge, or person authorized to officiate as judge on the spot; if any considerable delay is likely to occur in the decision of the pending appeals from the absence of the zillah or city judge, or otherwise, the provincial court of appeal upon representation made to them by either of the parties in any such appeals, may remove the appeal from the zillah or city court, in which the same may be depending, to the provincial court of appeal; and proceed thereupon as in other appeals before that court.

A. D. 1805. REGULATION III.

A REGULATION *to make further provision for the exemplary punishment of robbery by open violence.*—PASSED *by the Governor General in Council, on the 28th March* 1805; *corresponding with the 17th Cheyte* 1211 *Bengal era; the 13th Cheyte* 1212 *Fussily; the 17th Cheyte* 1212 *Willaity; the 12th Cheyte* 1862 *Sumbut; and the 25th Zelhej* 1219 *Higeree.*

THE crime of robbery by open violence has been fully defined by Clause First, of Section III, Regulation LIII, 1803; and the several clauses of Section IV, of that regulation, have declared the punishment to be adjudged by the criminal courts of judicature upon convictions of that offence, with or without homicide, wounding, maiming, or other personal injuries; or any other circumstances of aggravation. It has since appeared that the object of the last mentioned section would be further promoted by the addition of exemplary corporal punishment, (which formerly constituted part of the usual punishment for robbery, in almost all cases short of death,) to the penalties for this crime, which have been prescribed by Clauses Second, Third,

Third, and Fourth, of that ſection. Inſtances have alſo occurred in which the village watchmen, who are bound by the exiſting regulations, to aſſiſt the police officers in protecting the inhabitants of the country, and their property from robbery, have been found to be concerned in the perpetration of this crime: and ſtrong grounds of ſuſpicion have appeared that even ſome of the public officers upon the police eſtabliſhments have connived at the commiſſion of robbery, or at the eſcape of perſons reſiding within their juriſdictions, who from information, or notoriety, were known to be robbers. The highly criminal and dangerous violation of duty, in all ſuch caſes, requires that the offenders ſhould be ſubjected to more exemplary puniſhment, proportioned to their aggravated criminality, and its danger to the community. His Excellency the Moſt Noble the Governor General in Council, has accordingly enacted the following rules, to be in force, from the time of their promulgation, in the provinces of Bengal, Behar, Oriſſa and Benares, and in the ceded provinces, to which Regulation LIII, 1803, has been extended: alſo in the conquered provinces from the time of promulgating the extenſion of this regulation thereto.

Perſons convicted of robbery by open violence and not ſentenced to ſuffer death, may be adjudged by the courts of circuit and Nizamut Adawlut, to receive corporal puniſhment, not exceeding thirty nine laſhes with a corah, in addition to the penalties preſcribed by Clauſes Second and Third, of Section IV, Regulation LIII, 1803.

II. In all caſes of conviction, of the crime of robbery by open violence, as defined in Clauſe Firſt, of Section III, Regulation LIII, 1803; whether ſuch conviction be founded upon the free and voluntary confeſſion of the priſoner, or upon the teſtimony of credible witneſſes, or upon ſtrong circumſtantial evidence; and the party ſo convicted may not be ſentenced to ſuffer death; the court of circuit, before whom the offender may be convicted, and the court of Nizamut Adawlut, in trials referred to that court, ſhall be competent to adjudge corporal puniſhment, not exceeding thirty nine laſhes with a corah, in addition to the penalties of impriſonment and tranſportation for life, or of impriſonment and hard labour for the period of fourteen years, preſcribed by Clauſes Second and Third, of Section IV, Regulation LIII, 1803; whenever, on conſideration of the nature of the caſe, it

may

may appear proper to inflict such additional exemplary punishment.

III Persons convicted of the crime provided for by Clause Fourth, of Section IV, Regulation LIII, 1803, viz. of going forth with a gang of robbers for the purpose of committing robbery, but apprehended before they have commited such, or have made any violent attempt for the purpose; and declared, by the clause abovementioned, liable to imprisonment and hard labour for such period, not exceeding seven years, as the circumstances of the case may appear to merit, are further hereby declared liable to corporal punishment, not exceeding thirty lashes with a corah, in addition to, or in commutation of, the whole or part of the imprisonment provided for by the clauses above cited; whenever it may appear expedient, for the sake of example, or to prevent a lengthened imprisonment of the prisoner, to the court of circuit before whom he may be convicted; or to the Nizamut Adawlut, in any cases referred to that court.

Persons convicted of going forth to commit robbery, but apprehended before the commission of it, or any violent attempt for the purpose, declared liable to corporal punishment, not exceeding thirty lashes with a corah, in addition to, or in commutation of, the penalty prescribed by Clause Fourth, of Section IV, Regulation LIII, 1803.

IV. If any pyke, chokeedar, paiban, dofaad, nigabaan, or other village watchman, or guard, of whatever denomination, entertained or employed by a landholder, or by any other person, for the protection of villages, houses, persons, or property, and consequently required by the regulations, to assist the police officers in preventing robbery and other crimes, and in apprehending offenders; or if any police officer of whatever description, (whether a police darogah, or tehseeldar, entrusted with the charge of the police, a city or town cutwal, or a jemadar, mohrir, burkundoss, piadah, or other person employed, under the zillah and city magistrates, the police darogahs and tehseeldars, or under any other officers of the police, for the protection of the inhabitants of the country and their property from robbery; or for apprehending robbers and other criminals; or generally for the performance of any duty of police, connected with the prevention of public offences,) shall be convicted of the crime of robbery

Any village watchman or guard, of whatever denomination, as well as any police officer of whatever description, convicted of robbery by open violence, and not liable to suffer death, under Clause First, of Section IV, Regulation LIII, 1803, declared liable to the punishment for aggravated criminality, provided for by Clauses Second and Third of that section.

bery by open violence, as defined in Clauſe Firſt, of Section III. Regulation LIII, 1803; whether ſuch conviction be founded upon the free and voluntary confeſſion of the priſoner, or upon the teſtimony of credible witneſſes, or upon ſtrong circumſtantial evidence; and the party ſo convicted ſhall not be liable to ſuffer death, under Clauſe Firſt, of Section IV, Regulation LIII, 1803, as an accomplice in murder, as well as robbery; it is hereby declared, that he ſhall be held and expreſsly deemed to be within the proviſions contained in Clauſes Second and Third of that regulation, whereby the Nizamut Adawlut are authorized to paſs ſentence of death, in caſes of aggravated criminality which may appear to deſerve it, although the robbery may not have been attended with actual homicide, or where the robbery may have been without any perſonal injury or other act of aggravation, to extend the ſentence of that court, from impriſonment and hard labor for fourteen years, to impriſonment and tranſportation for life, if on conſideration of any circumſtance appearing upon the trial to aggravate the guilt of any particular priſoner, the infliction of ſuch more ſevere puniſhment ſhall appear juſt and neceſſary. Under this declaration any watchman, guard, or police officer, as deſcribed in the preſent ſection, who may be convicted of having been preſent, aiding and abetting, at a robbery by open violence, or at an attempt to commit ſuch robbery; or though not preſent, of having procured and cauſed by hire, counſel, or command, the perpetration of ſuch robbery, or attempt to rob, will be liable to ſuffer death, on the ſentence of the court of Nizamut Adawlut, according to the regulations, if in the proſecution of ſuch robbery, or attempt to rob, any perſon ſhall be murdered, wounded, maimed, burnt, or ſubjected to other perſonal injury, torture, or cruelty, or any dwelling houſe ſhall be ſet on fire; or other criminal and aggravating act committed; or will be liable to a ſentence of corporal puniſhment, and impriſonment and tranſportation for life, by the court of Nizamut Adawlut, if the proſecution of ſuch robbery or attempt to rob ſhall not have been attended with homicide, perſonal injury, or any of the other aggravating

Puniſhment to which watchmen, guards, or police officers, ſo convicted, will conſequently be liable, if in the proſecution of robbery, or attempt to rob, any perſon ſhall be murdered, wounded, maimed, burnt, or ſubjected to other perſonal injury, torture, or cruelty; or if a dwelling houſe ſhall be ſet on fire; or other criminal and aggravating act committed.

Or if the proſecution of the robbery, or attempt to rob, ſhall not have been attended with homicide, perſonal injury, or any of the other aggravating acts above ſpecified.

aggravating

aggravating acts above specified. It is hereby further declared, that any clear and direct connivance on the part of a watchman, guard, or police officer, as described in this section, whereby a gang of robbers may have been enabled to commit any of the crimes above stated, shall, if duly established, subject the offender to the same penalty, as he would have been liable to, if actually present, aiding and abetting; or, though not present, if he had procured and caused the perpetration of the offence, by hire, counsel, or command.

Any clear and direct connivance, on the part of a watchman, guard, or police officer, whereby a gang of robbers may have been enabled to commit any of the crimes stated, declared liable to the same penalty, as if the offender had been present, aiding and abetting; or had caused the perpetration of the offence by hire, counsel, or command.

V. If any watchman, guard, or police officer, as described in the preceding section, shall be convicted of going forth with a gang of robbers for the purpose of committing robbery, or of conniving at the going forth of a gang of robbers for such purpose, but he, or they, may be apprehended before they have committed robbery or made any violent attempt for the purpose; the watchman, guard, or police officer, so convicted, shall be liable to corporal punishment, and imprisonment, with hard labour, for such period, not exceeding fourteen years, as the circumstances of the case, may, in the judgment of the court of circuit, before whom he is convicted, appear to merit; or if that court shall, in any particular case, deem the prisoner deserving of more exemplary punishment, they shall refer the trial to the court of Nizamut Adawlut, who are authorized, if sufficient ground appear, to extend the sentence to corporal punishment and imprisonment, with transportation, for life.

A watchman, guard, or police officer, convicted of going forth with a gang of robbers, to commit robbery, or of conniving at the going forth of a gang of robbers for such purpose, but apprehended before the commission of robbery, or any violent attempt for the purpose, declared liable to corporal punishment, and imprisonment not exceeding fourteen years, by sentence of a court of circuit; or in cases requiring more exemplary punishment, to corporal punishment, and imprisonment, with transportation, for life, by sentence of Nizamut Adawlut.

VI. The explanation contained in the two clauses of Section V, Regulation LIII, 1803, respecting the distinction to be observed in cases of secret theft, or larceny without open violence, and of criminal acts of violence done in prosecution of the original intention to commit theft, shall be applied, in like manner, to the several provisions contained in the present regulation. But if any police officer, or any guard, or watchman, bound to assist the officers of police, as described in Section IV, of this regulation,

Explanation contained in Section V, Regulation LIII, 1803, applicable to provisions in the present regulation.

But any police officer, guard, or watchman, convicted of theft, or of larceny and burglary, though without open

violence, or of clear and direct connivance at the perpetration of ſuch crime, declared liable to ſuch aggravation of puniſhment, as the courts of circuit, or the Nizamut Adawlut in caſes referrible to that court, ſhall deem adequate to the offence; not exceeding the limitations preſcribed by Clauſe Seventh, of Section II, and Clauſe Third, of Section VII, Regulation LIII, 1803.

regulation, ſhall be convicted of theft, or of larceny and burglary, though without any act of open violence, or of clear and direct connivance at the perpetration of ſuch crime, he ſhall be liable to ſuffer ſuch aggravation of puniſhment as the court of circuit, before whom he may be convicted, or the Nizamut Adawlut, if the caſe be referrible to that court, ſhall deem adequate to his offence; not exceeding the limitations preſcribed by Clauſe Seventh, of Section II, and Clauſe Third, of Section VII, Regulation LIII, 1803, for caſes not ſpecifically provided for by the regulations, or by any ſtated penalty in the Mahomedan law.

Tranſlations of this regulation, in the country languages, to be read and proclaimed in the cutcherries of the zillah and city magiſtrates, and at the ſeveral police ſtations; alſo in the cutcherries of the zillah collectors, and of the ſeveral landholders and farmers within their reſpective diſtricts.

VII. The zillah and city magiſtrates on receiving tranſlations of this regulation, in the country languages, ſhall cauſe the ſame to be read and proclaimed in their reſpective cutcherries; and at the ſeveral police ſtations within their juriſdictions. The zillah collectors ſhall alſo cauſe the ſame to be read and proclaimed in their cutcherries, and in the cutcherries of the ſeveral landholders and farmers within their reſpective diſtricts.

A. D. 1805. REGULATION IV.

A REGULATION, *for extending to the province of Benares, Regulation* XXXI, 1793, *entitled* " A " Regulation for re-enacting with modifications " and amendments the rules paſſed on the 23d " of July 1787, and ſubſequent dates, for the " conduct of the commercial reſidents and " agents, and all perſons employed or concerned " in the proviſion of the Company's inveſtment;" *and alſo, for exempting from duty all goods and articles provided in the province of Benares, on account of the inveſtment of the Honorable Eaſt India Company.*—PASSED *by the Governor General in Council, on the* 25*th April* 1805; *correſponding with the* 14*th Byſaack* 1212 *Bengal era: the* 12*th Byſaack* 1212 *Fuſſily: the* 14*th Byſaack* 1212 *Willaity; the* 11*th Byſaack* 1862 *Sumbut; and the* 24*th Mohurrum* 1220 *Higeree.*

WHEREAS

WHEREAS it has hitherto been the practice to provide the inveſtment of the Honorable the Eaſt India Company in the province of Benares, by purchaſing the goods brought for ſale by the manufacturers with ready money; or by contracts made with native dullols, or duſtooreeas, for the proviſion of the goods; inſtead of making advances to the manufacturers, for the proviſion of goods of ſpecified dimenſions, and of a certain quality; in the manner obſerved in the provinces of Bengal, Behar, and Oriſſa: And Whereas the adherence to the ſaid ſyſtem has operated to prevent the deſired improvement of the fabrics, and to render the proviſion of the requiſite quantity of goods uncertain: And Whereas by making advances to the manufacturers for goods of the required quality and dimenſions, under the rules contained in Regulation XXXI, 1793; and by extending the ſaid regulation to the province of Benares, the commercial officers of the Company will be enabled to effect the deſired improvements in the quality of the manufactures; and to enſure the punctual delivery of the required quantity of goods; and the Company, the weavers, and other manufacturers, and the private traders of every deſcription will, under the protection of the laws, be ſecured in their juſt rights, in the tranſaction of their reſpective concerns; according to the tenor of the agreements under which ſuch concerns may be conducted: And Whereas the objections which formerly exiſted againſt the exemption of the goods, provided on account of the Company's inveſtment, in the province of Benares, from the payment of duties at the cuſtom houſes, within that province, have ceaſed to exiſt, in conſequence of the agreement concluded on the 27th of October 1794, with the Rajah of Benares, regarding the appropriation of the ſurplus revenue of the ſaid province; the following rules have been enacted, and are to be in force in the province of Benares from the date of their promulgation.

Regulation XXXI, 1793, extended to the province of Benares; with alterations and

II. The rules contained in Regulation XXXI, 1793, are hereby declared to extend to the province of Benares, with the alterations

alterations and modifications, regarding the weavers, and others employed in the proviſion of the Company's inveſtment, contained in Regulations V, 1800, and IX, 1801; as far as the ſame are applicable to the province of Benares.

modifications, regarding weavers and others providing goods for the inveſtment contained in Regulation V, 1800, and IX, 1801, as far as they are applicable to Benares.

III. Commercial reſidents or agents, and others employed to provide goods for the Honorable Company's inveſtment, ſhall take out rowannahs to accompany the goods, which are to paſs a cuſtom houſe ſtation. Such rowannahs ſhall be granted upon official application for them being made in writing to the collectors, but no cuſtoms, commiſſion or fees ſhall be levied on ſuch goods.

Rowannahs to be taken out for the Company's inveſtment; ſuch goods not liable to duty.

A. D. 1805. REGULATION V.

A REGULATION *for forming the settlement of the land revenue of the provinces ceded to the Honorable the English East India Company by the Nawaub Vizier, for the years* 1213, 1214, *and* 1215, *of the Fussily era.*—PASSED *by the Governor General in Council on the* 22*d of April* 1805, *corresponding with the* 11*th Bysaak* 1212 *Bengal era; the* 9*th Bysaak* 1212 *Fussily; the* 11*th Bysaak* 1212 *Willaity; the* 8*th Bysaak* 1862 *Sumbut; and the* 21*st Mohurrum* 1220 *Higeree.*

Preamble.

WHEREAS it is prescribed in the second article of the proclamation published by the Honorable the late Lieutenant Governor and the Board of Commissioners for the affairs of the provinces ceded by His Excellency the Nawaub Vizier to the Honorable the English East India Company, (the rules contained in which proclamation have been comfirmed, with certain modifications, by Section XXIX, Regulation XXV, and Section LIII, Regulation XXVII, 1803,) that the second triennial settlement of the land revenue in those provinces, commencing

cing with the year 1213 of the Fuſſily era, ſhall be concluded with an encreaſe, to be calculated in the proportion of two-thirds of the difference between the annual amount of the firſt triennial ſettlement, concluded for the years 1210, 1211, and 1212, and the actual yearly produce of the land at the period of the expiration of the ſaid ſettlement: And Whereas the ſevere drought which generally prevailed in the ceded provinces in the year 1211, has ſubjected the landholders, and farmers, and cultivators of land, in the ſaid provinces, to conſiderable loſſes, and conſequently deprived them of the means of extending the cultivation of their lands in a degree ſufficient to afford a reaſonable expectation, that the produce of the lands will be adequate to the payment of the aforeſaid encreaſe on the jumma of the firſt triennial ſettlement: And Whereas the demand of the ſaid encreaſe, under ſuch circumſtances, might expoſe the landholders and cultivators to diſtreſs, and might prove injurious to the agriculture and commerce of the country in general, and ultimately to the intereſt of the Government: And Whereas the Governor General in Council is at all times deſirous of manifeſting to the inhabitants of the ceded provinces the ſolicitude of the Britiſh Government, for the advancement of their happineſs and welfare; the following rules have been enacted.

Rules contained in the ſecond article of the proclamation publiſhed, under date the 14th July 1802, for the formation of the ſecond triennial ſettlement of the revenue in the ceded provinces commencing with the year 1213 F. S. reſtricted.

II. The rules contained in the ſecond article of the proclamation publiſhed by the Honorable the late Lieutenant Governor and the Board of Commiſſioners for the affairs of the provinces ceded by the Nawaub Vizier to the Engliſh Eaſt India Company, under date the 14th of July 1802, (and confirmed, with certain modifications, by Section XXIX, Regulation XXV, and Section LIII, Regulation XXVII, 1803,) which direct that the ſecond triennial ſettlement of the land revenue ordered to be concluded in thoſe provinces, and commencing with the year 1213 of the Fuſſily era, ſhall be encreaſed in the proportion of two-thirds of the difference between the annual amount of the triennial ſettlement concluded for the years 1210, 1211, and

1212,

1212, and the actual yearly produce of the land at the period of the expiration of the said settlement, are hereby rescinded: and the following rules are prescribed for concluding the ensuing triennial settlement of the land revenue in the ceded provinces for the years 1213, 1214, and 1215 of the Fussily era.

The following rules prescribed for concluding the ensuing settlement, commencing with the year 1213 F. S.

III. In all instances (with the exceptions specified in Section VII,) in which the zemindars, or other landholders, or the farmers of land, with whom the settlement was concluded for the years 1210, 1211, and 1212 Fussily, or with whom a settlement shall have been concluded at any period of time during those years, shall have fulfilled their engagements with Government, the settlement of their estates or farms, for the ensuing three years 1213, 1214, and 1215 Fussily, shall be concluded with such zemindars, landholders, or farmers, at the same annual jumma as was payable by them, under the first triennial or other settlement, expiring with the current year 1212 Fussily.

The settlement for the years 1213, 1214, and 1215, to be concluded with those landholders and farmers who shall have fulfilled their engagements for the three preceding years, at the annual jumma payable by them under the first triennial or other settlement expiring with the year 1212 F. S.

IV. All zemindars, or other landholders, or farmers of land, who shall have obtained remissions from Government, on account of drought, or other cause, shall be considered to have fulfilled their engagements, provided they shall have discharged the whole amount of the jumma of their respective estates or farms, with the exception of the amount of such authorized remissions.

Landholders and farmers who shall have obtained remissions and who shall have discharged the jumma of their estates or farms, with the exception of such remissions, shall be considered to have fulfilled their engagements.

V. In instances in which the first triennial settlement for the years 1210, 1211, and 1212 Fussily shall have been concluded at an annual encrease, under the orders of the late Lieutenant Governor and the Board of Commissioners, adverted to in Clause First, Section XXX, Regulation XXV, 1803, instead of an equal, annual, jumma, as prescribed by the original rules for concluding the settlement of the land revenue in the ceded provinces, the ensuing triennial settlement, for the years 1213, 1214, and 1215 Fussily, shall be concluded at the jumma payable on account of the current year 1212 Fussily.

In instances in which the first triennial settlement shall have been concluded at an annual encrease, the ensuing settlement shall be concluded at the jumma payable for the year 1212.

If any landholder or farmer shall decline entering into engagements for the ensuing settlement, on the terms prescribed by this regulation, the Governor General in Council reserves to himself the power of concluding the settlement with any other person or persons willing to enter into engagements on the prescribed terms.

VI. If any zemindar, or other landholder, or farmer of land, shall decline entering into engagements for the ensuing triennial settlement, on the terms prescribed by this regulation, the Governor General in Council reserves to himself the power of authorizing the conclusion of the settlement of the lands comprised in the estates or farms of such landholders or farmers, for the years 1213, 1214, and 1215 Fussily, or for any proportion of the said period, with any other person or persons who shall be willing to enter into engagements for the payment of the revenue of the said lands.

Settlements actually concluded for any part of the years 1213, 1214 and 1215, to remain in force.

VII. Nothing contained in this regulation shall be considered to affect any settlements which shall have been actually concluded for the whole or any part of the ensuing three years 1213, 1214, and 1215 Fussily; neither shall any part of this regulation be construed to preclude the operation of the rule prescribed by Section XXXIII, Regulation XXV, 1803, under which the zemindars, independant talookdars, and other actual proprietors of land, whose lands have been let in farm, are entitled, at the expiration of the present triennial settlement ending with the year 1212 Fussily, to be re-instated, under the general regulations prescribed for such cases, in the management of their estates, upon their agreeing to the payment of the assessment required from them.

The operation of Section XXXIII, Regulation XXV, 1803, not precluded by any part of this regulation.

A. D. 1805. REGULATION VII.

A REGULATION *for empowering the Governor General in Council, to grant a temporary exemption to covenanted civil servants of the Company, holding certain offices, from the obligations of that part of the oath prescribed to be taken, by certain descriptions of public officers, which prohibits their being concerned in commercial transactions.*—PASSED *by the Governor General in Council, on the* 11*th of July* 1805; *corresponding with the* 29*th Assaur* 1212 *Bengal era; the* 29*th Assaur* 1212 *Fussily; the* 29*th Assaur* 1212 *Willaity; the* 15*th Assaur* 1862 *Sumbut; and the* 13*th Rubbee-us-Sany* 1220 *Higeree.*

Preamble.

WHEREAS covenanted civil servants of the Company, employed in offices in which they are permitted to engage in commercial transactions, on their own account, are occasionally removed to offices in which the being concerned in such transactions is prohibited by the oath prescribed to be taken by persons holding such offices: And whereas instances have occurred, and may hereafter occur, in which the compelling covenanted

nanted civil ſervants ſo ſituated immediately to relinquiſh their commercial concerns, would expoſe them to conſiderable loſs and inconvenience: And whereas it is juſt and equitable, that ſuch civil ſervants ſhould be allowed a reaſonable period of time for the adjuſtment of their commercial concerns, in caſes in which ſuch indulgence can be granted, without detriment to the public ſervice; the following rule has been enacted, to be in force in the ſeveral provinces ſubject to the immediate government of the preſidency of Fort William in Bengal.

Competent to the Governor General in Council, by an order in Council, in certain caſes, to grant a temporary exemption to covenanted civil ſervants, from ſubſcribing that part of the oath preſcribed to be taken by civil ſervants appointed to certain offices, which reſtricts them from being concerned in trade.

II. In inſtances in which a covenanted civil ſervant of the Company, not holding any public office, or holding any public office in which he is not reſtricted from engaging in commercial tranſactions by any regulation printed and publiſhed in the manner preſcribed by Regulation XLI, 1793, and Regulation I, 1803; ſhall have engaged in any commercial tranſactions, and, ſubſequently to his engaging in ſuch tranſactions, ſhall be appointed to an office in which he is prohibited by any regulation printed and publiſhed as aforeſaid, from engaging in commercial concerns, it ſhall be competent to the Governor General in Council, by an order in Council, whenever he ſhall ſee good and ſufficient reaſon for affording ſuch relief, to grant a temporary exemption to ſuch civil ſervant, from ſubſcribing to that part of the oath preſcribed by the regulations to be taken by covenanted civil ſervants of the Company who may be appointed to exerciſe certain public offices, whereby they are reſtricted from being concerned in any commercial tranſaction whatever; and it ſhall be competent to the Governor General in Council to grant ſuch exemption, for ſuch period of time as he ſhall judge reaſonable, for enabling ſuch civil ſervant to bring his commercial concerns to a termination.

Applications for ſuch indulgence to be made to the Governor General in Council, who will refer the

III. Whenever a civil ſervant ſhall be deſirous of availing himſelf of the benefit of this regulation, he ſhall ſtate, in writing, to the Governor General in Council, the nature of the commercial

cial tranſactions, in which he is engaged, and the name or names of the place or places at which they are conducted; and the Governor General in Council will refer ſuch ſtatement to the Board of Trade, which Board, in inſtances in which the grant of indulgence ſhall appear to them to be indiſpenſably neceſſary, ſhall report their opinion to the Governor General in Council as to the period which they may deem it would be reaſonable to allow ſuch ſervant to adjuſt his concerns.

ſame to the Board of Trade, for report.

IV. In inſtances in which a temporary exemption from ſubſcribing the part of the oath in queſtion ſhall be granted, under this regulation, a clauſe ſhall be inſerted in the oath, ſpecifying the nature of the commercial concern in which the ſervant to whom the exemption may be granted is engaged, the name of the zillah, or place, in which the concern is conducted, and the period at which his intereſt in ſuch concern ſhall ceaſe and determine.

An additional clauſe to be inſerted in the oath, when exemptions ſhall be granted under this regulation.

V. Provided, however, that it ſhall not be competent to the Governor General in Council to exerciſe the power reſerved to him by this regulation, in caſes in which the commercial concerns of ſuch civil ſervant ſhall be conducted within the diſtrict or place to which the authority of his office, the oath preſcribed for which reſtricts the perſon holding the ſame from engaging in commercial concerns, ſhall extend; or in caſes in which, in the judgment of the Governor General in Council, the official powers of ſuch ſervant might be improperly employed in aid of ſuch concerns; or in any caſes in which the allowing ſuch ſervant to be engaged in any commercial concern, for a limited period of time, might, in the opinion of the Governor General in Council, prove injurious to the public ſervice. In all ſuch caſes, ſuch ſervant ſhall immediately relinquiſh his commercial concerns, and ſubſcribe the eſtabliſhed oath preſcribed for the office to which he may be appointed, and in which he is prohibited from engaging in commercial concerns; or, in the event

In what caſes exemption ſhall not be granted under this regulation.

Commercial concerns to be immediately relinquiſhed in the foregoing caſes, and the oath to be ſubſcribed.

of

Otherwiſe, the civil ſervant will be removed from his office.

of his declining to ſubſcribe ſuch oath, he ſhall be removed from his office.

A. D. 1805. REGULATION VIII.

A REGULATION *for extending to the conquered provinces, ſituated within the Dooab and on the right bank of the river Jumna; and to the territory ceded to the Honorable the Engliſh East India Company in Bundlecund by the Peiſhwah; ſuch of the laws and regulations, eſtabliſhed for the internal government of the provinces ceded by the Nawaub Vizier to the Honorable the Engliſh East India Company, as have not been already extended to thoſe territories; and for reviſing and amending certain parts of the ſaid laws and regulations.*—PASSED *by the Governor General in Council, on the* 11*th of July* 1805; *correſponding with the* 29*th Aſſaur* 1212 *Bengal era; the* 29*th Aſſaur* 1212 *Fussily; the* 29*th Aſſaur* 1212 *Willaity; the* 15*th Aſſaur* 1862 *Sumbut; and the* 13*th Rubbee-us-Sany* 1220 *Higeree.*

Preamble.

WHEREAS certain territories in the Dooab, or country ſituated between the rivers Ganges and Jumna, and on the right bank of the river Jumna, conquered by the Britiſh arms,

arms, have been ceded to the Honorable the Engliſh Eaſt India Company, in full ſovereignty, by a treaty concluded with Dowlut Rao Scindiah, bearing date the 30th day of December 1803: And whereas certain territories, forming part of the province of Bundlecund, and ſituated on the right bank of the river Jumna, have been alſo ceded to the Honorable the Engliſh Eaſt India Company, in full ſovereignty, by the Peiſhwah, under an article of a treaty concluded with His Highneſs, bearing date the 16th day of December 1803: And whereas, in addition to the proviſions contained in Regulation IX, 1804, for the adminiſtration of juſtice in criminal caſes, in the territories aforeſaid, it has been deemed to be expedient, that the remaining laws and regulations, which have been eſtabliſhed for the internal government of the provinces ceded by the Nawaub Vizier to the Honorable the Engliſh Eaſt India Company, ſhould be extended to the ſaid territories, with certain modifications, additions, and amendments; the following rules have been accordingly enacted,

Regulation I, 1803, extended to the conquered provinces, and to the territories in Bundlecund.

II. Regulation I, 1803, is hereby extended to the conquered provinces ſituated within the Doab and on the right bank of the river Jumna (with the exception of the city of Dehli and the territory ſituated on the right bank of the river Jumna, the revenues of which are aſſigned to His Majeſty Shah Alum), and to the territories ceded to the Honorable the Engliſh Eaſt India Company in Bundlecund by the Peiſhwah.

The provinces and territories aforeſaid to be formed into five zillahs.

III. *First.* The provinces and territories, ſpecified in the foregoing ſection, ſhall be formed into five zillahs, to be denominated as follow:

How to be denominated.

The zillah of Allyghur.
The northern diviſion of the zillah of Saharunpore.
The ſouthern diviſion of the zillah of Saharunpore.
The zillah of Agra.
The zillah of Bundlecund.

Second.

Second. It ſhall be competent for the Governor General in Council, by an order in Council, to make any alterations in the limits of the zillahs ſpecified in the preceding clauſe, or to make any annexations to the ſaid zillahs, or ſeparations from them, which ſhall hereafter appear to him to be adviſable, or to form any part of the territories aforeſaid into additional zillahs.

Competent for the Governor General in Council, by an order in Council, to alter the limits of zillahs, or to form new zillahs.

IV. The city of Dehli, and the conquered territory ſituated on the right bank of the river Jumna, the revenues of which are aſſigned to His Majeſty Shah Alum, are hereby declared not to be ſubject to any of the laws or regulations of the Britiſh Government, printed and publiſhed in the manner preſcribed in Regulation I, 1803.

The laws and regulations of the Britiſh Government not to extend to the city of Dehli, or to the territories, the revenues of which are aſſigned to His Majeſty Shah Alum.

V. Courts of adawlut ſhall be eſtabliſhed in the ſeveral zillahs ſpecified in Section III, for the trial of civil ſuits in the firſt inſtance, to be denominated after the zillahs in which they are reſpectively eſtabliſhed.

Courts of adawlut to be eſtabliſhed in the ſeveral zillahs ſpecified in Section III, for the trial of civil ſuits.

How to be denominated.

VI. *First.* Regulation II, 1803, is hereby extended to the zillahs ſpecified in Section III, with the exception mentioned in the following clauſe, and with the modifications preſcribed by Clauſes Third and Fourth of this ſection; which modifications ſhall be alſo in force in the ceded provinces. The proviſions contained in Sections II, III, VI, VII, VIII, and IX, Regulation II, 1805, are alſo hereby extended to the zillahs ſpecified in Section III, of this regulation.

Regulation II, 1803, extended to the zillahs ſpecified in Section III, with certain exceptions and modifications hereafter ſpecified.

The modifications preſcribed in Clauſes Third and Fourth, alſo to be in force in the ceded provinces.

Certain Sections of Regulation II, 1805, alſo extended to the zillahs aforeſaid.

Second. In lieu of the date preſcribed by Section XVIII, Regulation II, 1803, the 30th of December 1803, in the provinces conſtituting the zillah of Allyghur, the northern and ſouthern diviſions of the zillah of Saharunpore, and the zillah of Agra; and the 16th of December 1803, in the territory conſtituting the zillah of Bundlecund; (being the dates on which the ſaid provinces and territories were reſpectively ceded to the Honorable

What dates to be ſubſtituted in lieu of the date preſcribed by Section XVIII, Regulation II, 1803.

the

the Engliſh Eaſt India Company,) ſhall be conſidered the periods of limitation for taking cognizance of ſuits, ſubject to the ſeveral proviſions contained in Section XVIII, Regulation II, 1803, and in Sections II and III, Regulation II, 1805.

Rules for determining the validity of bonds in the zillah courts.

Third. The zillah courts are prohibited from decreeing the payment or ſatisfaction of any ſum due on a tummaſook or bond, which may be entered into after the promulgation of this regulation, unleſs the bond ſhall be proved to have been executed in the preſence of two credible witneſſes, or the payment of the ſum demanded on the bond, or ſome other valuable conſideration for it having been received, ſhall be proved to the ſatisfaction of the court. But the reſtriction contained in this clauſe ſhall not extend to any bills of exchange, receipts, or notes of hand; in the determination on which the cuſtom of the country ſhall be abided by.

The foregoing rules not to extend to bills of exchange, receipts, or notes of hand.

Section XXI, Regulation II, 1803, reſcinded.

Fourth. Section XXI, Regulation II, 1803, is reſcinded. And it is hereby declared, that, after the promulgation of this regulation, an appeal ſhall lie to the provincial courts of appeal, under the rules preſcribed by Regulation IV, 1803, from the deciſions of courts of adawlut of the ſeveral zillahs in the ceded and conquered provinces, in all ſuits or matters whatſoever, which ſhall be tried by the judges of thoſe courts in the firſt inſtance; viz. without a previous trial and deciſion by their regiſters, or by any of the native commiſſioners appointed under Regulation XVI, 1803.

An appeal to lie to the courts of appeal from the decrees of the zillah courts in ſuits tried by ſuch courts in the firſt inſtance.

Limitation of appeal to the courts of appeal in ſuits decided by the zillah courts in appeal from the deciſion of the regiſter, to be in force in the ceded and conquered provinces.

Fifth. In ſuits tried by the zillah regiſter, in the firſt inſtance, and decided on appeal by the zillah judge, the limitation of appeals to the provincial court of appeal, contained in the two following clauſes, ſhall be conſidered in force, from the receipt of this regulation in the ſeveral zillah courts in the ceded and conquered provinces.

Sixth

Sixth. If the ſuit be for perſonal property, or for any deſcription of real property not being malguzarry or lakheraje land, and the amount or value adjudged or diſallowed by the decree of the judge ſhall not exceed one hundred ſicca rupees; or, if the ſuit be for land, and the judgment be for or againſt a claim to malguzarry land, the annual produce of which (as defined in Section III, Regulation III, 1803,) may not exceed one hundred ſicca rupees; or lakheraje land, the annual produce of which may not be above ten ſicca rupees; or, although the decree of the judge be for or againſt claims to perſonal or real property exceeding the amount, value, or produce above ſpecified, if the ſuit be within the limitation of cauſes referrible to the regiſter, and the decree of the judge ſhall confirm the deciſion of the regiſter, the determination of the judge ſhall be final; unleſs the provincial court of appeal ſhall deem it proper to admit a ſpecial appeal to that court, under the diſcretion given by Section IX of this regulation.

In what caſes the decrees of the zillah judges upon appeals from the deciſions of their regiſters ſhall be final.

Unleſs a ſpecial appeal be admitted by the provincial court under Section IX of this regulation.

Seventh. If the judge's decree reverſe or alter the regiſter's deciſion, and the amount or value adjudged or diſallowed by the decree of the judge exceed one hundred ſicca rupees; or, if the judgment ſo paſſed in oppoſition to, or variation from, that of the regiſter, be for or againſt a claim to malguzarry land, the annual produce of which may exceed one hundred ſicca rupees; or lakheraje land, the annual produce of which may be above ten ſicca rupees; a further appeal ſhall lie to the provincial court of appeal, under the preſcribed rules for appeals to that court.

In what caſes an appeal ſhall lie to the provincial courts from the decrees of the zillah judges on appeals from the deciſions of their regiſters.

Eighth. In ſuits tried, in the firſt inſtance, by any native commiſſioner, appointed under Regulation XVI, 1803, and decided on appeal by the zillah judge, the deciſion of the latter ſhall be final as heretofore; provided the cauſe were originally cognizable by a native commiſſioner, under the preſcribed limitations; and ſubject to the diſcretion veſted in the provincial court of appeal to admit an appeal in ſpecial caſes.

Deciſions of the zillah judges upon appeals from the deciſions of the native commiſſioners, under the proviſions preſcribed.

Regulation III, 1803, extended to the zillahs ſpecified in Section III, with the following exception, to be alſo in force in the ceded provinces.

VII. *Firſt.* Regulation III, 1803, is hereby extended to the zillahs ſpecified in Section III, with the exception contained in the following clauſe; which exception ſhall alſo be in force in the ceded provinces.

The limitation of appeals to the Sudder Dewanny Adawlut, under Sections XXIII, XXV, and XXVI, Regulation III, 1803, to be an amount exceeding five thouſand ſicca rupees.

Second. The limitation for appeals to the Sudder Dewanny Adawlut, in the caſes of reſiſtance of proceſs provided for by Sections XXIII, XXV, and XXVI, Regulation III, 1803, ſhall be any amount exceeding five thouſand ſicca rupees, as provided, in ſimilar caſes, by Sections XXIII, XXV, and XXVI, Regulation IV, 1803.

Regulation IV, 1803, extended to the zillahs ſpecified in Section III, with the proviſions contained in Sections XI, and XII, Regulation II, 1805. Extent of the juriſdiction of the Bareilly provincial court of appeal in the conquered provinces.

VIII. *Firſt.* Regulation IV, 1803, is hereby extended to the zillahs ſpecified in Section III, together with the further proviſions contained in Sections XI and XII, Regulation II, 1805.

Second. The juriſdiction of the provincial court of appeal, for the diviſion of Bareilly, ſhall extend over the following zillahs; viz.

Allyghur.
Northern diviſion of the zillah of Saharunpore.
Southern diviſion of the zillah of Saharunpore.
Agra.

Juriſdiction of the Benares provincial court of appeal to extend over the zillah of Bundlecund.

Third. The juriſdiction of the provincial court of appeal, for the diviſion of Benares, ſhall extend over the zillah of Bundlecund.

All the public authorities to be guided in their deciſions and proceedings, in all matters relating to zillah Bundlecund, by the regulations enacted for the ceded and conquered provinces.

Fourth. The court of Sudder Dewanny Adawlut, the provincial court of appeal for the diviſion of Benares, the judge and magiſtrate, the collector of the revenue, and all other officers, in the zillah of Bundlecund, and the Boards of Revenue and Trade, ſhall be guided, in their deciſions and proceedings, in all matters relating to the ſaid zillah, by the regulations, which have been, or ſhall be enacted, and printed and publiſhed in conformity to the rules preſcribed by Regulation I,

1803.

1803, for the internal government of the ceded and conquered provinces.

IX. *First.* The rules preſcribed by the five following clauſes ſhall be in force in the ceded and conquered provinces.

The rules in the five following clauſes to be in force in the ceded and conquered provinces.

Second. In all caſes wherein a regular appeal may not lie to the provincial courts of appeal, from the decrees of the judges of the zillah courts, under this or any other regulation, it ſhall be competent to the provincial court to admit a ſpecial appeal, (on performance of the general conditions of appeals) if, on the face of the decree of the zillah judge, or from any information before the provincial court, it ſhall appear to them erroneous or unjuſt; or if, from the nature of the cauſe, as ſtated in the decree, or otherwiſe, it ſhall appear to them of ſufficient importance to merit a further inveſtigation in appeal.

Diſcretionary power veſted in the provincial courts of appeal to admit appeals from the deciſions of the zillah courts, in caſes wherein a regular appeal may not lie to thoſe courts.

Third. The diſcretionary authority, veſted in the provincial courts by the above clauſe, for the ſpecial purpoſe therein ſtated, is to be uſed by them with caution; and ſhall not be conſidered to entitle any party to demand, of right, an appeal to the provincial court, in caſes wherein the judgments of the zillah courts are proviſionally made final; nor ſhall it preclude the judges of theſe courts from proceeding as authorized by Section XXII, Regulation II, 1803, for a reviſion of their own judgments in ſuch caſes, if it appear to them neceſſary, and the review be applied for at any time before an appeal ſhall have been admitted by the provincial court of appeal. The petition for a review, in ſuch caſes, will, of courſe, be preſented to the zillah judge, in conformity to Section XXII, Regulation II, 1803; but any petitions for a ſpecial appeal to a provincial court, under the preceding clauſe of this ſection, are to be preſented to the provincial court of appeal, with a copy of the decree of the zillah court, and with the inſtitution fee and ſecurity required in other caſes of appeal.

Diſcretion veſted in provincial courts by the above clauſe to be uſed with caution.

Not to entitle any party to demand an appeal of right.

Nor to preclude the judges of the zillah courts from a reviſion of their own judgments, if deemed neceſſary, under Section XXII, Regulation II, 1803; and the review be applied for before the admiſſion of a ſpecial appeal by the provincial court. Petitions for a ſpecial appeal, under this ſection, to be preſented to the provincial courts, with a copy of the decree appealed from, and the requiſite inſtitution fee and ſecurity.

Fourth.

Section VI, of this regulation, not to affect any appeals already preferred to the provincial courts; or which may be preferred to them before the promulgation of this regulation.

Fourth. The limitation of appeals to the provincial courts of appeal, from the decision of the zillah courts, fixed by Section VI, of this regulation, shall not be understood to affect any appeals already preferred to the provincial courts, or which may be preferred to them against decisions of the zillah judges, passed before the promulgation of this regulation, and appealable to the provincial courts, under the rules now in force.

Nothing in this regulation to preclude an appeal to the provincial courts under Section XII, Regulation IV, 1803, when the appeal open to the zillah courts from decisions of the registers and native commissioners, may be refused or dismissed on the ground of some default.

Fifth. Nothing contained in this regulation shall be considered to preclude an appeal to the provincial courts of appeal, under Clause Twelfth, Section XII, Regulation IV, 1803, in all cases wherein the appeal open to the judges of the zillah courts, from the decisions passed by their registers, or by any of the native commissioners, may be refused by the zillah courts, on any ground of delay, informality, or other default in preferring it; or, after admission, may be dismissed on the ground of some default, without investigation of the merits of the cause.

Additional provisions for such appeals, and for similar appeals to the Sudder Dewanny Adawlut, under Section X, Regulation V, 1803. Regular pleadings not requisite on such appeals, nor any other than summary proceedings.

Sixth. In addition to the provisions for such appeals, and for similar appeals to the court of Sudder Dewanny Adawlut, contained in the clause above mentioned, and in Clause Thirteenth, Section X, Regulation V, 1803; as well as in modification of such parts of these clauses as require that the appeals therein mentioned be preferred in conformity to the rules prescribed with regard to other appeals; it is hereby further provided, that, as the appeal in such cases is not upon the merits of the cause, but merely on the default which is made the ground for rejecting or dismissing the previous appeal, and which must appear on the proceedings of the court by which such appeal may have been rejected or dismissed; it shall not be requisite to hold the regular pleadings upon such appeals; or to hold any other than summary proceedings thereupon; such as may appear sufficient, on consideration of the stated ground for rejecting or dismissing the previous appeal. No institution fee to be levied upon such appeals; but if, on investigation, they are found groundless and litigious, the appellant shall be

No institution fee to be levied upon such appeals; but if found groundless

invariably

invariably punished by a fine proportionate to his condition and the circumstances of the case. The respondent, in such cases, shall receive notice of the appeal, but shall not be required to attend upon it, unless, in any particular instance, his attendance be found necessary. He shall, at all times, however, have the option of attending the proceedings held upon such appeals; and, if the appellant or respondent appoint a pleader, the court may award to him such fee as it shall consider a sufficient compensation for his labour, under the limitation and provisions contained in Section XIII, Regulation X, 1803. No security shall be required from appellants or respondents in the appeals referred to in this clause, except for staying the execution of decrees, the security to be given for which shall be the same as is required in other appeals.

and litigious, the appellant to be invariably fined.

Respondents to receive notice of such appeals, but not to be required to attend upon them unless it be found necessary. Shall however always have the option of attending the proceedings held on them. And if either party appoint a pleader, the court may award a sufficient compensation to him under Section XIII, Regulation X, 1803. No security to be required from appellants or respondents in the appeals referred to in this clause, except for staying the execution of decrees.

X. Regulation V, 1803, is hereby extended to the zillahs specified in Section III; together with the further provisions contained in Section X, Regulation II, 1805.

Regulation V, 1803, extended to the zillahs specified in Section III, with the provisions contained in Section X, Regulation II, 1805.

XI. The several rules contained in the two following sections shall be in force in the ceded and conquered provinces.

The rules in the two following sections to be in force in the ceded and conquered provinces.

XII. *First.* When the number of civil causes depending before the judge of any zillah court may be such as to require the aid and appointment of an assistant judge, for the speedy investigation and decision of such causes, the Governor General in Council, at the recommendation of the court of Sudder Dewanny Adawlut, or otherwise, if it shall appear to him expedient, will appoint an assistant judge to the zillah wherein it may be requisite, to be denominated assistant judge of the adawlut of such zillah, who, previously to entering upon the execution of the duties of his office, shall take and subscribe before the Governor General in Council, or before any person whom he may commission to administer it, the same oath as is directed by Section XIII, Regulation II, 1803, to be taken and subscribed by the judges of the zillah courts.

Provision for appointment of assistant judges, when requisite.

Oath to be taken by persons so appointed.

Second.

Powers of assistant judges.

Second. The assistant judges, so appointed, are empowered to try and decide, according to the regulations in force for the administration of civil justice, any causes depending before the judge of the zillah in which they may be appointed to officiate, which shall be referred to them by the judge; and the judges of the zillahs, wherein such assistant judges may be appointed, are empowered to refer to them, from time to time, during the continuance of such special appointments, any cause or causes depending in their respective courts; whether original suits, or appeals from the decisions of their registers, or of the native commissioners.]

And authority to zillah judges for referring to them any depending causes.

What causes to be referred to the assistant judges, and what number at a time.

Third. The selection of the particular causes to be so referred to the assistant judges, and the number of causes to be referred to them at any one time, are left to the discretion of the zillah judge, on a general consideration of the business depending before himself and register, and the number of causes already under reference to the assistant judge: But he is to be guided, as far as circumstances may admit, by the rule contained in Section X, Regulation III, 1803, which directs, with certain exceptions, that depending causes be brought on for trial according to the order in which they may be filed. This rule is also to be observed by the assistant judges in the trial of causes referred to them.

General rule to be observed in referring and trying such causes.

Assistant judge to try causes in open court.

Court where to be held.

Authorized pleaders to attend the court.

And additional pleaders to be appointed, if necessary.

Governor General in Council will provide the requisite establishments of ministerial officers.

Fourth. The assistant judges appointed, under this regulation, are to try the suits referred to them in open court, to be held in the court house of the zillah adawlut, or in some convenient place adjacent thereto; and a sufficient number of authorized pleaders of the zillah court shall be directed to attend the court of the assistant judge; or, if necessary, an additional number shall be appointed, for this purpose, under the provisions contained in Regulation X, 1803. Any additional establishment of ministerial officers which may be required to attend the assistant judges, in performance of the duties prescribed by Regulation XII, 1803, will also be provided for by the Governor General in Council: But the Mahomedan and Hindoo law officers

ficers of the zillah courts are to expound the law, in all cases wherein it may be requisite, for the determination of causes referred to the assistant judges.

But law officers of the zillah courts to expound the law.

Fifth. All process which it may be necessary to issue, in suits referred for trial to an assistant judge, shall be issued under the seal of the zillah court, and the signature of the assistant judge; and shall be executed by the officers of the zillah court, in like manner as all similar processes are issued in causes tried by the judge. The process signed by an assistant judge, in suits referred to him, shall be considered of the same force and validity as process signed by the judge; and any disobedience or resistance thereto, shall be equally liable to the penalties declared by the regulations, for disobedience or resistance to similar process issued by the judges of the zillah courts.

Process in suits referred to assistant judges, by whom and in what manner to be issued.

Penalty for disobedience or resistance to such process.

Sixth. In the trial of all causes referred to an assistant judge, he is to be guided by the same rules as are prescribed for the trial of the same causes before the judges of the zillah courts; and his decisions are to be held final, or appealable to the provincial court of appeal, of the division, under the prescribed rules for appeal, according as the cause would or would not have been appealable to the provincial court, if it had been decided by the judge of the zillah court.

Rules to be observed by assistant judges in the trial of all causes referred to them.

And in what cases their decisions to be held final, or appealable to the provincial courts of appeal.

Seventh. In cases wherein an appeal may lie to the provincial court, from the decision of an assistant judge, as well as in all cases wherein a provincial court of appeal may have occasion to issue process with respect to causes decided by, or depending before, an assistant judge, such process shall be transmitted to the judge of the zillah; who shall forward the same to the assistant judge; or shall himself comply with the exigency of it, if the assistant judge be not at the time present; or his officers shall have been discontinued; or, if, from any other cause, such process cannot be complied with by the assistant judge. In

Process of provincial courts respecting causes depending before, or decided by, assistant judges, how to be transmitted and executed.

like

Returns from affiſtant judges, and all communications from them to the provincial courts, or officers, how to be made.

like manner, all returns to the provincial court by an affiſtant judge, as well as all other communications by an affiſtant judge to a provincial court, or to any other court, authority, or office, ſhall be made through the judge of the zillah wherein he is employed.

In matters of practice and form not provided for by the regulations, affiſtant judges to be guided by inſtructions of the court of Sudder Dewanny Adawlut.

Eighth. In all matters relating to practice and form, not provided for by this or any other regulation, the affiſtant judges, who may be appointed under Clauſe Firſt of this ſection, ſhall be guided by ſuch inſtructions as they ſhall receive, through the judges of the zillah courts to which they may be attached, from the court of Sudder Dewanny Adawlut.

Sudder Dewanny Adawlut to report to the Governor General in Council, when of opinion, that an affiſtant judge ſhould be appointed in any zillah.

As well as when ſuch appointment may appear no longer neceſſary.

Ninth. The court of Sudder Dewanny Adawlut ſhall report to the Governor General in Council, whenever, from the number of cauſes depending before the judge of any zillah court, they may be of opinion, that an affiſtant judge ſhould be appointed under this regulation; as well as when, from the deciſion of the cauſes in arrear, or for any other reaſon, ſuch proviſional appointment may appear to them no longer neceſſary.

Proviſion for the temporary execution of the duties of judge and magiſtrate in any zillah wherein an affiſtant judge may have been appointed, during the abſence or on removal of the judge and magiſtrate.

Or in any of the caſes ſpecified in Section XV, Regulation XII, 1803, when the affiſtant judge may be preſent, and ſenior in the Company's ſervice to the regiſter.

Tenth. If the judge and magiſtrate of any zillah, wherein an affiſtant judge may have been appointed, ſhall be removed from his ſtation, or ſhall obtain leave of abſence from his ſtation, during the continuance of the appointment of ſuch affiſtant judge, the Governor General in Council will determine, under Section XXIII, Regulation II, 1803, whether to delegate the temporary execution of the duties of judge and magiſtrate, to the perſon holding the office of affiſtant judge, or to make other proviſion for the ſame as he may deem proper. But, in caſe the offices of judge and magiſtrate of any zillah, where an affiſtant judge may have been appointed, ſhall become vacant by the death of the judge and magiſtrate, as well as in any of the caſes ſpecified in Section XV, Regulation XII, 1803, wherein the charge of the offices of judge and magiſtrate may temporarily devolve

to the ſenior judicial officer upon the ſpot, the perſon holding the office of aſſiſtant judge, if preſent, and ſenior in the Company's ſervice to the regiſter, ſhall take the temporary charge of the offices of judge and magiſtrate; and ſhall be authorized to exerciſe ſuch part of the powers of judge and magiſtrate as may be neceſſary for the purpoſes ſpecified in the ſection abovementioned, and in Section XXIII, Regulation II, 1803; making, at the ſame time, the report thereby required to the Governor General in Council for his ſpecial orders on the caſe.

The provincial courts of appeal and zillah civil courts to be annually adjourned during the Duſſarah and Mohurrum feſtivals, and for what periods.

XIII. The provincial courts of appeal, and zillah civil courts, ſhall be annually adjourned during the Hindoo feſtival, called Duſſarah, which occurs in the month of Aſſin or Kartick, correſponding with the Engliſh month September or October; and alſo during the Mahomedan feſtival of the Mohurrum, which, depending on the lunar year, is not fixed to any particular month. The former adjournment (or Duſſarah vacation) ſhall commence ten days before this feſtival, and continue for the period of one month of thirty days. The latter adjournment (or Mohurrum vacation) ſhall commence on the firſt day of the month of Mohurrum, and continue for fifteen days. Under this rule, when the time of the two feſtivals may coincide, the vacations alſo will of courſe be blended, and no ſeparate adjournment will be neceſſary; except as far as the fixed period for the one may extend beyond that of the other; as when part of the Mohurrum vacation only fall within the period fixed for the Duſſarah vacation; or, on the other hand, when part of the latter only may fall within the period of the former.

Regulations VI, VII, VIII, XX, XXXV, and LIII, 1803, and Regulation III, 1804, already extended to the conquered provinces by Regulation IX, 1804. Regulation III, 1805, extended to the zillahs ſpecified in Section III.

The following proviſions to be in force in the ceded and conquered provinces.

XIV. *Firſt.* Regulations VI, VII, VIII, XX, XXXV, and LIII, 1803, and Regulation III, 1804, have been already extended to the zillahs ſpecified in Section III, by Regulation IX, 1804. Regulation III, 1805, is alſo hereby declared to extend to the ſaid zillahs: and the following further proviſions are enacted, to be in force in the ceded and conquered provinces.

Second.

Circuits to be poſtponed, when the dates for commencing them ſhall fall within the period of the Mohurrum vacation.

Second. The courts of circuit for the diviſions of Bareilly and Benares being required, by Regulation VII, 1803, and Regulation II, 1804, to commence their half yearly circuits on the 1ſt of January and the 1ſt of July of each year; and, as theſe dates may occaſionally fall within the period of the Mohurrum vacation authorized by Section XIII; when this may occur, the commencement of ſuch circuit ſhall be poſtponed, until the expiration of the fixed period for the vacation, or as long as the magiſtrates of the zillahs, where the firſt jail delivery is to be held, may, on a reference from the court of circuit, ſtate to be neceſſary on this account: but, after the actual commencement of the circuit, no jail delivery ſhall be poſtponed, on account of ſuch vacation; nor ſhall the attendance of any perſon required before the court of circuit be diſpenſed with on account of the vacation.

But no jail delivery to be poſtponed after the commencement of the circuit.

Proviſion for holding a monthly jail delivery of zillah Bareilly.

Third. The jail delivery of zillah Bareilly ſhall be held monthly, at the commencement of each Engliſh month, before the ſecond or third judge of the court of circuit who may be preſent; or, if both the ſecond and third judges ſhould be preſent, before them alternately; ſuch jail delivery, if there be only one judge preſent beſides the ſenior judge, to be held on the days whereon the court of appeal may not ſit. But, when the firſt of the month ſhall fall on Sunday, the court of monthly jail delivery, directed to be held in zillah Bareilly under this clauſe, ſhall not be opened until the Monday following; nor ſhall any of the courts of circuit ſit on Sunday, on any occaſion whatſoever.

To be held by the ſenior judge of the court of circuit, (with the ſanction of the Nizamut Adawlut) where neither of the other judges ſhall be preſent.

Fourth. If, in any inſtance, neither the ſecond nor third judge ſhall be preſent at the ſudder ſtation, to hold the monthly jail delivery directed in the preceding clauſe; or, if the ſecond or third judge who may be preſent, ſhould, at any time, be prevented by indiſpoſition, or other cauſe, from holding the preſcribed jail delivery at the regular period, and the ſenior judge of the court of circuit ſhall be preſent, the court of Nizamut Adawlut, to whom an immediate report ſhall be made in all ſuch caſes, are empow-

ered

ered to authorize the ſenior judge to hold the jail delivery of zillah Bareilly for the current month, in ſuch manner as may not impede his diſcharge of the duties which he is required to perform in the provincial court of appeal, during the abſence of the other judges.

Proviſion for the trial and puniſhment of guards in charge of convicts, by martial law, in certain caſes, when ſuch guards ſhall be furniſhed by a provincial battalion, (ſubject to martial law), or by a regular corps of the army.

Fifth. Proviſion is made by Section XXIII, Regulation VIII, 1803. for the puniſhment of guards, in charge of convicts who may have eſcaped, and, in certain caſes, for committing or holding ſuch guards to bail for trial before the court of circuit. This proviſion is extended to guards in charge of priſoners who may eſcape from their cuſtody, whether before or after conviction; but ſhall not be conſidered applicable to military guards from the provincial battalions, (while ſuch battalions ſhall continue ſubject to military law) or from any regular corps of the army. Whenever it ſhall appear to a magiſtrate, that a guard furniſhed by a provincial battalion, or by any regular corps of the army, has been guilty of wilful neglect in guarding the priſoners under his charge, or in conniving at the eſcape, or the attempt to eſcape, of any priſoner, or of any other act of a criminal nature in the diſcharge of his duty, the magiſtrate ſhall cauſe the offender to be delivered over to the officer commanding the provincial battalion, or the detachment to which he may belong, with a charge in writing, that he may be tried, and puniſhed, on conviction, by a court martial.

The foregoing rule not applicable to charges againſt ſuch guards, which are cognizable in the civil courts.

Sixth. The mode of proceeding againſt military guards, directed in the preceding clauſe, ſhall be obſerved, with reſpect to any other offence involving a breach of military duty, and properly cognizable by courts martial; but ſhall not be held applicable to any criminal charge againſt ſuch guards or other ſepoys, whether belonging to the provincial battalions or regular corps of the army, which may not involve a breach of military duty, and the cognizance of which may therefore appertain to the civil courts.

Seventh.

Section XXXI, Regulation VII, 1803, and part of Section VI, Regulation XV, 1803, rescinded.

Seventh. Section XXXI, Regulation VII, 1803, and such part of Section VI, Regulation XV, 1803, as provide rules for the judges of the provincial court of appeal, when a judge of that court shall be desirous of absenting himself from his station, are hereby rescinded.

Judges of the provincial court of appeal and court of circuit at Bareilly to apply to the Governor General in Council, whenever they shall be desirous of quitting their stations.

Whenever a judge of the provincial court of appeal and court of circuit, for the division of Bareilly, shall hereafter be desirous of quitting his station, on any account whatever, he shall apply to the Governor General in Council, in the same manner as the zillah judges and magistrates are required to make such applications by Section XXIII, Regulation II, 1803;

Not to quit their stations, without previous leave, except in cases of emergency.

and, excepting in cases of emergent indisposition, shall not leave his station, until such permission shall have been obtained.

Reference to be made to the Sudder Dewanny Adawlut and Nizamut Adawlut before leave is granted.

Previously, however, to leave of absence being granted, a reference shall be made from the Governor General in Council to the Sudder Dewanny Adawlut and Nizamut Adawlut, to ascertain the state of the public business depending before the court, and whether the leave of absence desired can be conveniently granted, or otherwise.

Explanation and extension of the provision contained in Clauses Third, Fourth, and Fifth, Section III, Regulation XXXV, 1803.

Eighth. Provision is made, by Clauses Third, Fourth, and Fifth, Section III, Regulation XXXV, 1803, for the punishment of landholders and farmers of land, in certain cases, by the forfeiture of their estates or farms. It is hereby declared, in explanation of the provision contained in the clauses abovementioned, that the said provision shall be considered to extend to landholders or farmers of land who shall be convicted of having themselves been concerned, directly, or indirectly, in any theft or robbery committed within their respective estates or farms, or of having been aiding or abetting therein, or privy to the same. Such landholders and farmers shall be liable to be proceeded against in the manner prescribed by the aforesaid clauses, subject to the penalties prescribed therein.

Regulations IX, X, XI, XII, 1803, and Regulation V, 1804, to be in force.

XV. Regulations IX, X, XI, XII, 1803, and Regulation V, 1804, together with the rules prescribed by Sections XIII,

and

and XIV, Regulation II, 1805, are hereby extented to the zillahs ſpecified in Section III. The further proviſions contained in the following ſection are enacted, to be in force in the ceded and conquered provinces.

1805, together with Sections XIII and XIV, Regulation II, 1805, extended to the zillahs ſpecified in Section III. The proviſions in the following ſection, to be in force in the ceded and conquered provinces.

XVI. *Firſt.* In addition to the authority veſted in the judges of the zillah courts by Section VI, Regulation XII, 1803, for referring to their regiſters ſuits for money, or other perſonal property, not exceeding in amount or value the ſum of two hundred ſicca rupees; or for malguzarry land, the annual produce of which may not be above two hundred ſicca rupees; or for lakheraje land, the produce of which may not be more than twenty rupees; the judges of the above courts, whenever, on conſideration of the number of cauſes under reference to their regiſters, and the number depending before themſelves, it may appear to them conducive to the more ſpeedy adminiſtration of juſtice, are hereby empowered to refer to their regiſters, for trial and deciſion in the firſt inſtance, any cauſes depending in their reſpective courts for money, or other perſonal property, not exceeding in amount or value the ſum of five hundred ſicca rupees; or for malguzarry land, the annual produce of which may not exceed five hundred ſicca rupees; or for lakheraje land, the produce of which may not be more than fifty ſicca rupees per annum; or for any other deſcription of real property, the computed value of which may not be above five hundred ſicca rupees.

Authority of the zillah judges to refer cauſes to their regiſters for trial and deciſion in the firſt inſtance, extended to ſuits for perſonal property not exceeding five hundred ſicca rupees; or for malguzarry land, the annual produce of which may not exceed five hundred ſicca rupees; or for lakheraje land, not producing above fifty ſicca rupees per annum; or for other real property, the computed value of which may not be above five hundred ſicca rupees.

Second. In the trial of all cauſes referred to the regiſters of the zillah courts, under the preceding clauſe, they ſhall be guided by the rules preſcribed in Regulation XII, 1803, and by the general rules for the trial of civil ſuits therein referred to.

Rules by which the regiſters are to be guided in the trial of all cauſes ſo referred to them.

Third. Such part of Section IX, Regulation XII, 1803, as declares that the deciſions of the regiſters to the zillah courts ſhall be final, in ſuits for money, or other perſonal property, not exceeding twenty

Part of Section IX, Regulation XII, 1803, reſcinded.

Appeal to lie to the zillah judges from all decisions passed by their registers, under prescribed rules for such appeals.

twenty-five sicca rupees, is hereby rescinded; and an appeal shall hereafter lie to the zillah judges from all decisions passed by their registers; provided the appeal be preferred in conformity to Section X, Regulation XII, 1803, and the general rules for appeals in force.

Section XIX, Regulation, XII, 1803, rescinded.

Fourth. Section XIX, Regulation XII, 1803, whereby the judges of the zillah courts were empowered to refer to their register, appeals from the decisions of the native commissioners appointed under Regulation XVI, 1803, provided the property in dispute should not exceed twenty-five sicca rupees, and the decrees of the registers thereon are declared final, is hereby rescinded.

Provision respecting decisions passed under that regulation, previously to the present regulation.

Decisions passed by the registers upon such appeals, previously to the receipt of this regulation, shall, however, remain in force, (subject to the discretionary revision of the judge authorized by Section IX, Regulation XII, 1803); and all such appeals which may have been referred by the judges of the zillah courts to their registers, and shall be depending before the latter, on the receipt of this regulation, may, at the option of the judges, be left to the decision of their registers, subject to an appeal to themselves, under the preceding clause of this section; or the judges may recal from their registers the reference of such depending appeal, and determine the same themselves; or direct a new trial, under the provisions contained in this regulation.

Also respecting appeals from decisions of the native commissioners, which may be depending before the registers of the zillah courts, on the receipt of this regulation.

Judges of zillah courts authorized at all times, to recal any undecided suits referred to their registers; and to try the same themselves, or refer them to a native commissioner, if referrible to such, under the regulations.

Fifth. The judges of the zillah courts are also, at all times, authorized to recal from their registers, any suits referred to them, under the present and former regulations, which may not have been decided by their registers; and which, for the more speedy administration of justice, or for any other reason, they may deem it proper to try and determine themselves in the first instance; or to refer for trial to a native commissioner, if the suit be referrible to such, under the regulations.

Regulations XIII, to XIX, and XXI. to XXIV, 1803 extended to the zillahs specified in Section III.

XVII. *First.* Regulations XIII, XIV, XV, XVI, XVII, XVIII, XIX, XXI, XXII, XXIII, and XXIV, 1803, are hereby

by extended to the zillahs ſpecified in Section III. The following proviſions are made, in addition thereto; to be in force in the ceded and conquered provinces.

The following proviſions to be in force in the ceded and conquered provinces.

Second. Section XXI, Regulation III, 1803, requiring that all orders and proceſs of the zillah courts be ſealed with the ſeal of the court, and ſigned by the judge; it has been doubted, whether the judges can authorize their regiſters to ſign the proceſs of court for ſummoning witneſſes to appear before the native commiſſioners, under the proviſions contained in Regulation XVI. 1803; or to ſign any judicial proceſs, except in caſes referred to the regiſters under Regulation XII, 1803. It is therefore explained, that the judges of the zillah courts, after ſigning the order for referring a cauſe to any native commiſſioner, as required by Clauſe Fourth, Section VI, Regulation XVI, 1803, may authorize and direct their regiſters to ſign any other neceſſary proceſs in cauſes ſo referred. They are alſo generally empowered to employ their regiſters and aſſiſtants in ſigning and iſſuing any proceſs of court, which they may judge proper to be ſigned and iſſued by them; and to which the ſignature of the judge may not be ſpecially required by any regulation.

Judges of zillah courts after ſigning the order for referring a cauſe to a native commiſſioner; may authorize and direct their regiſters to ſign any other neceſſary proceſs in ſuch cauſes.

Alſo generally empowered to employ their regiſters and aſſiſtants in ſigning and iſſuing any proceſs of court not ſpecially required by any regulation, to be ſigned by the judge.

Third. The judges of the zillah courts are further authorized to employ their regiſters and aſſiſtants, or any of their principal native officers, in taking down the depoſitions of witneſſes whom they may not have time to examine *vivâ voce* themſelves. Provided, that ſuch depoſitions be taken in open court, in the preſence of the parties, or their authorized pleaders, whoſe atteſtations ſhall be ſubſcribed to all depoſitions ſo taken, in teſtimony of their having been preſent; and, if any diſpute or queſtion ſhall ariſe in the courſe of taking the evidence of a witneſs ſo examined, the judge ſhall immediately, or as ſoon as practicable, hear and enquire into the ſame, in the preſence of the witneſs, and of the parties or their pleaders, and ſhall paſs ſuch order thereupon as may appear to him proper.

Judges of zillah courts further authorized to employ their regiſters and aſſiſtants, or any of their principal native officers in taking the depoſitions of witneſſes.

Proviſions under which the depoſitions are to be ſo taken.

Fourth,

The judges may likewiſe permit their regiſters to cauſe the depoſitions of witneſſes, in cauſes referred to them, to be taken before their aſſiſtants, or any principal native officer, in the mode, and under the reſtrictions ſpecified in this ſection. Further reſtriction in ſuch caſes.

Fourth. The judges of the zillah courts may likewiſe permit their regiſters to cauſe the depoſitions of witneſſes, in cauſes referred to them, to be taken before their aſſiſtants, or any principal native officer, in the mode and under the reſtrictions ſpecified in this ſection; whenever, from the number of cauſes depending before their regiſters, it may appear to them indiſpenſibly neceſſary for the ſpeedy determination of ſuch cauſes. But this power ſhall not be exerciſed by any regiſter, without the permiſſion of the judge, communicated to him by a written precept; which ſhall, at all times, be revocable, when the judge may conſider it no longer neceſſary to continue to his regiſter the permiſſion thereby granted.

From Section I, to XXVIII, Regulation XXV, 1803, extended to the zillahs ſpecified in Section III.

XVIII. *Firſt.* The ſeveral Sections of Regulation XXV, 1803, from Section I, to Section XXVIII, inclufive, preſcribing rules for the conduct of the Board of Revenue and the collectors, in the provinces ceded by the Nawaub Vizier to the Honorable the Engliſh Eaſt India Company, are hereby extended to the zillahs ſpecified in Section III, Regulation XXVI, 1803, and the whole of Regulation XXVII, 1803, excepting Section LIII, are alſo extended to thoſe zillahs. The local rules for the ſettlement of the land revenue in the zillahs ſpecified in Section III, as well as for declaring the proprietary rights of the landholders under the ſettlement to be made therein, are ſpecified in Regulation IX, 1805.

Regulation XXVI, 1803; and the whole of Regulation XXVII, 1803, excepting Section LIII, alſo extended to the ſaid zillahs. The rules for the ſettlement of the land revenue, and for declaring the proprietary rights of the landholders, will be ſpecified in Regulation IX, 1805.

Penalty for refuſing to obey, or reſiſting, or avoiding compliance with, proceſſes iſſued under Section LI, Regulation XXVI, 1803, to be in force in the ceded and conquered provinces.

Second. By Section LI, Regulation XXVII, 1803, the collectors are empowered, in certain caſes, to require the perſonal attendance of any landholder, or other native inhabitant, within their reſpective juriſdictions. But no penalty has been preſcribed by the regulations for refuſing to obey, or reſiſting, or avoiding compliance with, the requiſition of any proceſs iſſued under the ſection abovementioned. It is therefore hereby declared, that any perſon, being a landholder or farmer of land, ſo offending, will be liable to the penalties preſcribed by Sections XXII, XXIII, XXIV, XXV, XXVI, and XXVII, Regulation XXVII, 1803,

1803, under the provisions therein specified. If the offender shall not be a landholder, or farmer of land, he will be liable to the penalty prescribed in Section XXVIII of the said regulation. The provision contained in this clause shall be in force in the ceded and conquered provinces.

Third. Such part of Clause First, Section LIII, Regulation XXVII, 1803, as declares that no settlement shall be considered final in the ceded provinces, until it has received the sanction of the Board of Revenue, is rescinded. Instead of the foregoing rule, it is hereby provided, that no settlement shall be considered final, in the ceded provinces, until it shall have received the final sanction of the Governor General in Council.

No settlement in the ceded provinces to be considered final, until it has received the sanction of the Governor General in Council.

XIX. Regulation XXVIII, 1803, and the further provisions contained in Section IV, Regulation II, 1805, are hereby extended to the zillahs specified in Section III.

Regulation XXVIII, 1803, and the further provisions in Section IV, Regulation II, 1805, extended to the zillahs specified in Section III.

XX. *First.* Regulations XXIX and XXX, 1803, are hereby extended to the zillahs specified in Section III, with the following additional provisions.

Regulations XXIX and XXX, 1803, extended to the zillahs specified in Section III, with the following additional provisions.

Second. Instead of the period fixed by Section IV, Regulation XXX, 1803, for the general delivery of pottahs in the ceded provinces, a period of three years, from the conclusion of a settlement with the several landholders and farmers in the zillahs specified in Section III, shall be allowed to them for consolidating the rents of the ryots, and granting pottahs as required.

Period allowed for the delivery of pottahs in the zillahs specified in Section III, instead of that fixed by Section IV, Regulation XXX, 1803.

Third. The periods specified in Clause Second, Section VI, of this regulation, shall be substituted in lieu of the period stated in Section XII, Regulation XXX, 1803, according as the same shall be applicable to the zillahs respectively.

What periods to be substituted in lieu of that prescribed in Section XII, Regulation XXX, 1803.

XXI. Regulation XXXI, 1803, is hereby extended to the zillahs

Regulation XXXI, 1803, extended to the

Zillahs ſpecified in Section III. What dates to be ſubſtituted for thoſe ſpecified in that regulation.

zillahs ſpecified in Section III; but, inſtead of the dates ſtated in that regulation, viz. the 10th November 1789, and the 1ſt January 1801, the following dates are ſubſtituted for the zillahs aforeſaid; viz. the 1ſt January 1792, or 22d Pooſe 1199 Fuſſily, in lieu of the 10th November 1789; and the 1ſt January 1803, or 23d Pooſe 1210 Fuſſily, in lieu of the 1ſt January 1801.

Regulation XXXII, 1803, extended to the zillahs ſpecified in Section III, with the proviſion contained in Section V, Regulation II, 1805.

XXII. Regulation XXXII, 1803, is hereby extended to the zillahs ſpecified in Section III; together with the further proviſion contained in Section V, Regulation II, 1805.

Regulations XXXIII and XXXIV, 1803, extended to the zillahs ſpecified in Section III, with the following modification.

XXIII. *Firſt.* Regulations XXXIII and XXXIV, 1803, are hereby extended to the zillahs ſpecified in Section III; with the following modification of the regulation laſt mentioned.

What dates to be ſubſtituted for that ſpecified in Sections II, III and IX, Regulation XXXIV, 1803, and for that ſpecified in Sections VII and VIII, of the ſaid regulation.

Second. The 30th of December 1803, ſhall be the date to be adopted in the zillahs of Allyghur, Agra, and the northern and ſouthern diviſions of the zillah of Saharunpore; and the 16th of December 1803, ſhall be the date to be adopted in the zillah of Bundlecund; in lieu of the date ſpecified in Sections II, III, and IX, Regulation XXXIV, 1803. The 1ſt of January 1806, ſhall be adopted in the whole of the above zillahs, in lieu of the date ſpecified in Sections VII and VIII, of the ſaid regulation.

Regulation XXXVI, 1803, extended to the zillahs ſpecified in Section III, with the following modifications.

XXIV. *Firſt.* Regulation XXXVI, 1803, is hereby extended to the zillahs ſpecified in Section III; with the following modifications.

Definition of badſhahee grants.

Second. Under the definition of badſhahee grants, contained in Clauſe Firſt, Section II, of the regulation abovementioned; viz. all grants made by the ſupreme power for the time being; it is hereby declared, that the following deſcription of grants ſhall be conſidered as badſhahee. Firſt, royal grants, properly ſo called. Secondly, grants made by Dowlut Rao Scindiah, or his predeceſſors in authority, in the conquered provinces in the

Dooab

Dooab, and on the right bank of the river Jumna. Thirdly, grants made by the Peiſhwah, or his predeceſſors, in the territory ceded to the Honorable the Engliſh Eaſt India Company in Bundlecund.

Third. If any grants of the deſcriptions ſpecified in Regulation XXXVI, 1803, ſhall have been made by other authorities than thoſe ſtated in the preceding clauſe, a report of the ſame ſhall be made to the Governor General in Council, who reſerves to himſelf the power of declaring, whether ſuch grants ſhall be deemed badſhahee, and valid, or otherwiſe.

Grants made by any other authorities than those above ſtated, to be reported to the Governor General in Council, who will determine thereon.

Fourth. The 1ſt day of January 1803, or 23d of Pooſe 1210 Fuſſily, is ſubſtituted for the 1ſt of January 1801, in the ſeveral ſections of Regulation XXXVI, 1803, with reſpect to the zillahs to which that regulation is now extended.

Date to be ſubſtituted for that ſpecified in Regulation XXXVI, 1803.

XXV. Regulation XXXVII, 1803, is hereby extended to the zillahs ſpecified in Section III.

Regulation XXXVII, 1803, extended to the zillahs ſpecified in Section III.

XXVI. *Firſt.* Regulation XL, 1803, is hereby extended to the zillahs ſpecified in Section III, to be in force in the ſaid zillahs from and after the commencement of the year 1213 Fuſſily; with the following further proviſions, to be in force in the ceded and conquered provinces.

Regulation XL, 1803, extended to the zillahs ſpecified in Section III; with the following further proviſions, to be in force in the ceded and conquered provinces.

Second. In addition to the ſecurity preſcribed by Section XXI, Regulation XL, 1803, the collector ſhall require, from all perſons receiving licenſes under that regulation, for the manufacture and ſale of ſpirituous liquors, ſecurity (ſial zaminy) for their good conduct, and a ſtrict adherence to the terms of the licenſe, in a ſum not leſs than the amount of the tax payable by them for one month. The ſurety, in all practicable caſes, ſhall be ſome reputable perſon, not being a vender of ſpirits; and muſt, at all events, poſſeſs oſtenſible means to the amount of his engagements;

Security to be taken from dealers in ſpirituous liquors, in addition to that preſcribed by Section XXI, Regulation XL, 1803.

ments: and the collector shall, as far as possible, prevent the venders from becoming security for each other.

References to be made to the magistrates respecting the number of licences to be granted for the manufacture and sale of spirituous liquors, and intoxicating drugs.

Third. To determine the number of licenses to be issued in each year, for the manufacture and sale of spirituous liquors and intoxicating drugs, the collector shall apply to the magistrate of the zillah, for his opinion on the subject; and on receiving such opinion, the collector shall submit the same, with his report, to the Board of Revenue. The Board of Revenue are authorized, generally, to fix on the number of licenses to be issued in each zillah; but shall not exceed any limitation which the magistrate may consider to be necessary for the attainment of any object of police.

The number of licenses granted not to exceed that determined by the magistrates.

Rule for determining the places of manufacture and vend.

Discretion vested in the magistrates in such cases.

Fourth. The places of manufacture and vend shall be determined in the same manner as is prescribed in the preceding clause for fixing the number of licenses; and the magistrate shall, at all times, be at liberty to alter the places which may have been originally determined on, should he deem such alteration necessary, either for the purpose of placing the venders more immediately under the inspection and control of the officers of police, or otherwise.

Regulations XLI, XLII, and XLIII, 1803, extended to the zillahs specified in Section III; with the following provision, to be in force in the ceded and conquered provinces.

XXVII. *First.* Regulations XLI, XLII, and XLIII, 1803, are hereby extended to the zillahs specified in Section III; with the following provision, in addition to the regulation last mentioned; to be in force in the ceded and conquered provinces.

No institution fee to be levied on suits determined on a summary process.

Second. No institution fee shall be levied on suits instituted in the zillah courts, under Regulation XXXII, 1803; nor on any suits whatever in which the zillah courts, or the provincial courts of appeal, or the Sudder Dewanny Adawlut, may be empowered, by the regulations, to pass judgment on a summary process.

Regulations XLIV, & XLV,

XXVIII. Regulations XLIV and XLV, 1803, are hereby extended

extended to the zillahs specified in section III; and the periods prescribed for the operation of the latter regulation in the ceded provinces, shall be likewise in force in the said zillahs.

XLVI, and XLVII, 1803, extended to the zillahs specified in Section III.

XXIX. *First.* Regulations XLVI, XLVII, and LII, 1803, are hereby extended to the zillahs specified in Section III; with the following provisions, in addition to the regulation last mentioned, to be in force in the ceded and conquered provinces.

Regulations XLVI, XLVII, and LII, 1803, extended to the zillahs specified in Section III; with further provisions, to be in force in the ceded and conquered provinces.

Second. In cases in which it shall appear to the court of wards, that the produce of the estate of a disqualified proprietor is insufficient to provide for the expense of a separate establishment for the management of it in conformity to Regulation LII, 1803, the court are empowered to take such measures as, from the circumstances of the case, may appear to them to be best calculated for providing for the security of the public revenue, and the maintenance of the proprietors of the lands.

Court of wards how to act when the produce of the estate of a disqualified landholder, shall be insufficient to provide for a separate establishment for the management of it.

Third. The court of wards are empowered to invest female proprietors of land with the management of their own estates, in cases in which the court may be fully satisfied, that they are competent to the charge, from their capacity and habits of business. The court are immediately to report to the Governor General in Council every instance in which they may exercise the powers vested in them by this section, with the grounds on which they may deem the proprietors qualified for the management of their lands.

Court empowered to invest female proprietors with the management of their lands, when deemed qualified for the charge.

Fourth. Female proprietors who may be exempted from the operation of the regulations, regarding disqualified landholders in virtue of the rule contained in the preceding section, are to execute the same engagements as other proprietors, who are held qualified for the management of their lands.

Female proprietors invested with the management of their own estates to execute the same engagements as other proprietors not disqualified.

Fifth. Where portions of the same estate, belonging to a disqualified

Manager's accounts of

Eſtates, ſituated in different zillahs, to be rendered to one collector.

qualified landholder, may be ſituated in different zillahs, the court of wards are empowered to authorize the monthly and annual accounts of the whole eſtate, required to be furniſhed by the manager, to be rendered to the collector of the zillah in which the principal portion of the eſtate may be ſituated, inſtead of delivering ſeparate accounts for each portion to the collector of the zillah in which it may be included.

Caſes in which the court of wards are empowered to commit ſeveral eſtates to the charge of one manager.

Sixth. In caſes in which, from the contiguity of a number of ſmall eſtates belonging to diſqualified proprietors, two or more of them can be conveniently ſuperintended by one manager, the courts are empowered to entruſt as many of the eſtates to the management of the ſame perſon, as may appear to them adviſable.

When a guardian may be a party jointly with his ward in any civil ſuit, ſecurity not to be demanded from him.

Seventh. In caſes in which a guardian may be a party jointly with his ward, under Clauſe Firſt, Section XXXVI, Regulation LII, 1803, in any civil ſuit, the ſecurities required by the regulations to be taken, from parties in ſuits, ſhall not be demanded from the guardians.

Zillah judges, authorized under certain circumſtances, to nominate guardians to diſqualified landholders not ſubject to the authority of the court of wards.

Eighth. In all caſes of joint undivided eſtates, when one or more of the proprietors ſhall die, leaving heirs who are under age, lunatics, or idiots, and without nominating, by will, a guardian or guardians to the heirs, it ſhall be the duty of the judge, within whoſe juriſdiction ſuch eſtate may be ſituated, (or the principal part of it, in the event of its being ſituated in two or more juriſdictions) on the receipt of a report from the collector, or from any other perſon or perſons intereſted in the welfare of the family, of the deceaſed, ſtating the grounds on which he or they may conſider the next of kin as unfit to be entruſted with the care of the perſon, or management of the eſtate, of the heir, to inveſtigate the nature of the objections to the neareſt of kin; and, if ſatisfied himſelf that they are well founded, the judge ſhall nominate ſome other perſon of character and reſpectability to act as guardian to the heir; reporting the circumſtance,

ſtance, in every inſtance, to the court of Sudder Dewanny Adawlut.

Ninth In the ſelection of guardians to be appointed, under this regulation, the judge ſhall attend particularly to their capacity, character, and reſponſibility; but the guardianſhip ſhall, in no inſtance, be entruſted to the legal heir of the ward, or other perſon intereſted in out living him.

Rules for the ſelection of guardians.

Tenth. It is expected that ſome friends of the family of the deceaſed will gratuitouſly diſcharge the truſt of guardian: but if, on any occaſion, it may become neceſſary to make a pecuniary compenſation to the perſon appointed to act as guardian, the amount of ſuch compenſation ſhall be fixed by the judge, on a due conſideration of the circumſtances of the caſe.

Compenſation to the guardian, for his trouble, when neceſſary, to be fixed by the judge.

Eleventh. The guardians appointed, under the Eighth Clauſe of this ſection, ſhall be furniſhed with a commiſſion, under the official ſeal and ſignature of the judge; but, previouſly to the delivery of it, they ſhall give ſecurity for their appearance during the continuance of their truſt, and to execute the following obligation:—"I A. B. having voluntarily taken upon myſelf the "guardianſhip of C, proprietor of a ——— anna ſhare of the "eſtate of D do hereby ſolemnly promiſe and engage to exe"cute the truſt committed to me zealouſly and faithfully to the "beſt of my judgment, and according to the regulations which "have been or may be preſcribed for the guidance of guardians, "by the Governor General in Council; I will derive no advan"tage myſelf, directly or indirectly, from any monies belonging "to my ward, which may come into my hands in the execution "of my truſt, beyond the compenſation granted me for my ſuper"intendence; nor will I knowingly ſuffer any other perſon to "derive therefrom any ſuch undue advantage. I alſo promiſe "and engage to render a true and juſt account of whatſoever "may be received by me on account of my ward abovemen"tioned,

Guardians to be furniſhed with a commiſſion and to give ſecurity.

Form of obligation to be executed by guardians.

" tioned, when required to do ſo by any competent autho-
" rity; and in the event of its being proved, that I have been
" guilty of any embezzlement, or of any breach of truſt inju-
" rious to his (or her) property, I hereby bind myſelf, my heirs,
" and ſucceſſors, to make good treble the amount of the em-
" bezzlement or injury ſo proved againſt me.

Duties to be performed by the guardians.

Twelfth. Guardians appointed, under this regulation, ſhall have the care of the perſon, maintenance, and, if a minor, the education of the ward.

To vote in the election of managers.

They ſhall alſo vote in the election of a manager for the joint undivided eſtate, as preſcribed in Section V, Regulation LII, 1803; and the manager ſhall account to them for ſuch portion of the profits ariſing from the eſtate, as their wards may be entitled to receive, on a fair diſtribution thereof amongſt all the joint proprietors.

Eſtates under charge of managers ſo elected, liable to be ſold for balance of revenue.

Thirteenth. Eſtates under charge of a manager, elected as ſtated in the foregoing ſection, ſhall be held anſwerable for the payment of the revenue aſſeſſed thereon; and nothing contained in this regulation ſhall be conſidered as exempting the lands from ſale, for the realization of any balances which may, at any time, become due to Government.

Mode in which redreſs may be obtained by perſons conſidering themſelves aggrieved by any act, performed by the zillah judges under this regulation.

Fourteenth. If any perſon ſhall think himſelf aggrieved by any act done by any of the zillah judges, in the exerciſe of the authority veſted in them by this ſection, he is at liberty to ſtate his complaint, by petition, either to the judge in perſon, or to the court of Sudder Dewanny Adawlut; and whenever any ſuch complaint ſhall be made, the judge ſhall certify a copy of the petition, and of all his proceedings in the caſe to which it relates, to that court, who are authorized to confirm or reſcind his deciſion, as to them ſhall appear juſt and proper; and their judgment, in all ſuch caſes, is hereby declared to be final.

Proviſion for the operation of

XXX. The periods preſcribed for the operation of certain

parts

parts of this regulation in the conquered provinces in the Dooab and on the right bank of the river Jumna, and in the territory ceded to the Honorable the Engliſh Eaſt India Company in Bundlecund by the Peiſhwah, ſhall not be conſtrued to extend to certain pergunnahs ſeparated from the zillahs of Moradabad and Etawah, and annexed to the zillah of Allyghur, conformably to the orders paſſed by the Governor General in Council under date the 27th of November 1804, excepting in inſtances in which ſuch periods ſhall correſpond with thoſe preſcribed in the regulations for the adminiſtration of the ceded provinces. In all other inſtances, the periods preſcribed in the regulations laſt mentioned, ſhall be conſidered to be ſtill applicable to the pergunnahs aforeſaid.

parts of this regulation in certain pergunnahs ſeparated from the zillahs of Moradabad, and Etawah, and annexed to the zillah of Allyghur.

XXXI. On the receipt of the Perſian and Hindooſtanee tranſlations of this regulation, by the judges and magiſtrates of the zillahs ſpecified in Section III, they ſhall cauſe the ſame to be publicly read in their reſpective cutcherries, together with the tranſlations of the ſeveral regulations thereby extended to the ſaid zillahs. They ſhall alſo require the native pleaders of their reſpective courts to take copies of the tranſlations of the ſeveral regulations which relate, directly or indirectly, to the adminiſtration of juſtice in civil caſes; and ſhall cauſe the copies, which, by Section X, Regulation XLVI, 1803, they are required to furniſh to the cauzees ſtationed in the ſeveral towns and pergunnahs within their reſpective juriſdictions, to be read and publiſhed, for general information, at the cutcherries of the munſiffs, appointed under Regulation XVI, 1803; as well as of the tehſeeldars, and police darogahs, in charge of the police, under Regulation XXXV, 1803. This rule ſhall be likewiſe obſerved with reſpect to all future regulations; and is declared to extend to the ceded as well as to the conquered provinces.

Rules to be obſerved by the judges and magiſtrates in the ceded and conquered provinces, with the view of making the regulations generally known throughout their reſpective juriſdictions.

BENGAL SECRETARIAT LIBRARY

A. D. 1805. REGULATION IX.

A REGULATION *for enacting into a regulation certain articles of a proclamation to be iſſued in the conquered provinces, ſituated within the Dooab and on the right bank of the river Jumna; and in the territory ceded to the Honorable the Engliſh Eaſt India Company in Bundlecund by the Peiſhwah.*—PASSED *by the Governor General in Council, on the 11th of July* 1805; *correſponding with the 29th Aſſaur* 1212 *Bengal era; the 29th Aſſaur* 1212 *Fuſſily; the 29th Aſſaur* 1212 *Willaity; the 15th Aſſaur* 1862 *Sumbut; and the 13th Rubbee-us-Sany* 1220 *Higeree.*

THE following articles of a proclamation, which is hereby addreſſed by the Governor General in Council to the zemindars, independent talookdars, and other actual proprietors of land, paying revenue to government, in the conquered provinces ſituated within the Dooab (or country lying between the rivers Ganges and Jumna) and on the right bank of the river Jumna, ceded to the Honorable the Engliſh Eaſt India Company by Dowlut Rao Scindiah; and in the territory ſituated in Bundlecund

Bundlecund on the right bank of the river Jumna, ceded to the Honorable the Engliſh Eaſt India Company by the Peiſhwah; are enacted into a regulation.

PROCLAMATION.

Proclamation.

Preamble.

II. ART. I. Whereas, by Regulation IX, 1804, and Regulation VIII, 1805, the laws and regulations eſtabliſhed by the Britiſh government, for the internal adminiſtration of the provinces ceded to the Honorable the Engliſh Eaſt India Company by the Nawaub Vizier, have been extended, with ſuch modifications and qualifications as were deemed neceſſary, to the conquered provinces ſituated within the Dooab and on the right bank of the river Jumna, ceded to the Honorable the Engliſh Eaſt India Company by Dowlut Rao Scindiah; and to the territory in Bundlecund, ſituated on the right bank of the river Jumna, ceded to the Honorable the Engliſh Eaſt India Company by the Peiſhwah: And whereas it is the intention of the Britiſh government, at the expiration of the current year 1212 Fuſſily, to adopt a plan, for the ſettlement of the land revenue in the ſaid territories, upon principles of moderation and juſtice: And whereas it is of importance, that the terms and conditions of ſuch ſettlement ſhould be made known throughout the territories aforeſaid, as early as may be practicable: And whereas it is eſſential, to the ſecurity of the rights and intereſts of the zemindars, and other landholders, in the ſaid territories, that the nature of their right of property, in their reſpective eſtates, under the terms and conditions hereafter recited, ſhould be publickly acknowledged and declared; it is accordingly hereby proclaimed as follows.

The ſayer to be ſeparated from the mâl, and a ſettlement to be made for the latter, for three years, from the commencement of 1213 Fuſſily, with the exception in the fifth article.

III. ART. II. At the commencement of the year 1213 Fuſſily, the ſayer of every denomination will be ſeparated from the mâl, or land revenue; and a ſettlement will be concluded for the land revenue only, in all practicable caſes, with the zemindars, or other actual proprietors of the ſoil, (unleſs when diſ-

qualified

qualified by notoriouſly bad character, or other good and ſufficient cauſe) for a period of three years; viz. for the years 1213, 1214, and 1215 Fuſſily, (with the exception ſpecified in the fifth article) at a fixed, equal, annual, jumma; it being underſtood, that ſuch zemindars as are huzzoor tehſeel, or allowed to pay their kiſts immediately to the collector of the zillah, ſhall be reſponſible for maintaining the police of their reſpective zemindarries, with the exception of the police in cities, large towns, and principal gunges, the expenſe of which will be defrayed by government. In inſtances, however, in which, from calamity of ſeaſon, or other good and ſufficient cauſe, any landholder may be unwilling to engage for his lands at ſuch a jumma, for the firſt year of the leaſe, as government would otherwiſe be entitled to demand, with a reference to the probable reſources and produce of the lands during the whole of the leaſe, the ſettlement will be concluded, for the firſt leaſe of three years, at a fair and equitable annual encreaſe, inſtead of a fixed, equal, annual, jumma. The cabooleats executed by zemindars, and other actual proprietors of land, or farmers of land, ſhall contain a clauſe, reſtricting them from collecting ſayer duties, or any duties whatever, in their reſpective eſtates or farms. The collectors are required to explain fully the nature and extent of this reſtriction, in order that perſons, deſirous of entering into engagements, may regulate their propoſals accordingly. No ſettlement ſhall be conſidered final, until it ſhall have received the ſanction of the Governor General in Council.

At a fixed, equal, annual, jumma.

Huzzoory tehſeel zemindars to be reſponſible for the police, with certain exceptions.

Settlement to be made at an annual encreaſe, in certain caſes.

Reſtriction to be inſerted in the cabooleats of the zemindars.

All ſettlements to receive the previous ſanction of the Governor General in Council.

IV. ART. III. At the expiration of the three years ſpecified in the foregoing article, another ſettlement will be concluded with the ſame perſons, (if willing to engage) for a further period of three years; viz. for the years 1216, 1217, and 1218 Fuſſily, (with the exception ſpecified in the Fifth Article) at a fixed, equal, annual, jumma, which jumma ſhall be formed, by taking the difference between the annual amount of the firſt leaſe and the actual yearly produce of the land at the time of it's expiration,

Rules for concluding a ſecond triennial ſettlement.

and

and adding two thirds of ſuch difference to the annual rent of the firſt leaſe.

Rules for concluding a new ſettlement for four years, on the expiration of the preceding one.

V. ART. IV. At the expiration of the year 1218 Fuſſily, a new ſettlement will be concluded with the ſame perſons, (if willing to engage) for a further period of four years; viz. for the years 1219, 1220, 1221, and 1222 Fuſſily, (with the exception ſpecified in the Fifth Article) at a fixed, equal, annual, jumma, which jumma ſhall be formed, by adding to the annual rent of the ſecond three years three fourths of the net encreaſe of revenue during any one year of that period.

Rules for concluding the ſeveral ſettlements in zillah Bundlecund.

VI. ART. V. The ſettlement of the land revenue in the territory in Bundlecund, ceded to the Honorable the Engliſh Eaſt India Company by the Peiſhwah, to be formed at the commencement of the year 1213 Fuſſily, will be concluded for one year only, in the firſt inſtance, under the general rules notified in this proclamation. The three ſucceeding ſettlements of the land revenue in the territory aforeſaid will be concluded for the following periods of time; firſt, for the years 1214, 1215, and 1216 Fuſſily; ſecondly, for the years 1217, 1218, and 1219 Fuſſily; and thirdly, for the years 1220, 1221, and 1222 Fuſſily; under the terms and conditions ſpecified in this proclamation.

Rules for concluding a permanent ſettlement, on the expiration of 1222 Fuſſily.

VII. ART. VI. At the end of the ten years, expiring with the year 1222 Fuſſily, a permanent ſettlement will be concluded with the ſame perſons, (if willing to engage, and if no other perſons, having a better claim, ſhall come forward,) for ſuch lands as may be in a ſufficiently improved ſtate of cultivation to warrant the meaſure, on ſuch terms as government ſhall deem fair and equitable.

Nankar to be allowed to zemindars, in certain caſes, and at what rate.

VIII. ART. VII. Thoſe zemindars who may decline entering into engagements for their eſtates, as alſo thoſe zemindars whoſe offers may be rejected by government, ſhall, for the preſent,

Be

be allowed the ſame nankar which they have hitherto received from the ruling power for the time being; provided the rate of ſuch nankar ſhall not, in either of the caſes above ſtated, exceed ten per cent on the jumma of the eſtate.

In inſtances in which lands are mortgaged, or transferred on ſecurity, the ſettlement to be made with the perſon in poſſeſſion.

IX. ART. VIII. With reſpect to ſuch zemindarries as may have been mortgaged, or transferred on ſecurity, and poſſeſſion thereof actually given to the mortgagees, or ſureties, the ſettlement will be made with the perſon in poſſeſſion of the land, as the temporary repreſentative of the proprietor, leaving the latter to obtain poſſeſſion, either by a private ſettlement of accounts, or by a judicial proceſs.

Rule for concluding the ſettlement of ſmall talooks, or eſtates, nominally included in large zemindarries.

X. ART. IX. The ſettlement of ſuch ſmall talooks, or eſtates, as may be only nominally included in large zemindarries, in the ſudder jumma of which their jumma may be comprehended, will be made, ſeparately and diſtinctly, with the proprietors of ſuch ſmall eſtates; and they will be allowed to pay their revenue directly to the tehſeeldars on the part of government, or to the collector of the zillah, as may be deemed adviſable; provided, however, that the talookdars, or proprietors, of ſuch ſmall talooks, or eſtates, ſhall be deſirous of the ſeparation, or the zemindars ſhall require it. In the event of a zemindar conſidering himſelf aggrieved by a ſeparation made, in conformity to the foregoing rule; or of a talookdar being diſſatisfied at not being ſeparated from a zemindarry, agreeably to what he may have conſidered as his right; in either caſe, the party conſidering himſelf aggrieved will be at liberty to ſeek redreſs in the courts of juſtice. The collectors, however, ſhall not allow any diſputed claims to interfere with, or delay, the immediate concluſion of the ſettlement, which, in all doubtful caſes, ſhall be made with the perſon in poſſeſſion.

A zemindar or talookdar conſidering himſelf aggrieved by a ſeparation made in conformity to the foregoing rule, how to proceed.

In doubtful caſes, the ſettlement to be made with the perſon in poſſeſſion.

Where there are no proprietors, or the proprietors refuſe to engage,

XI. ART. X. With reſpect to ſuch lands as are without proprietors, or the proprietors of which may decline entering

into

A village settlement to be concluded for three years.

into engagements, a village settlement shall be concluded, for three years, from the commencement of the year 1213, or the year 1214 Fussily, according as the settlement may be concluded in the provinces ceded by Dowlut Rao Scindiah, or in the territory ceded by the Peishwah, at a fixed, equal, annual, jumma; with the reservation contained in the concluding part of the second article relative to forming the settlement, in certain cases, at an annual encrease. In instances in which a village settlement shall be concluded in Bundlecund, at the commencement of the year 1213 Fussily, such settlement shall be formed only for one year. In all cases of the description mentioned in this article, a preference will be given to the mocuddums, purdhauns, or respectable ryots, of the several villages.

Exception with respect to Bundlecund.

Preference to be given to mocuddums, purdhauns, and respectable ryots.

A khaus or bowlee settlement to be concluded, where no other can be formed.

XII. ART. XI. In instances in which neither proprietors nor farmers shall be forthcoming, or in which they shall not tender suitable conditions of agreement, a khaus or bowlee settlement shall be concluded with the ryots for lands in such predicament; stipulating the shares to be received by the ryots, from the different description of land, as follows: in politch lands, or such as are in full cultivation, government shall receive five pusserees, and the ryot three pusserees: in chunchur lands, or such as have not been cultivated for two or three years, government shall receive two, and the ryot six passerees: in bunjur, or waste lands, government shall receive one, and the ryot seven pusserees. Chunchur lands, after one year, and bunjur lands, after two years, shall be considered equal to politch. Bunjur lands, after one year, shall be considered equal to chunchur. In khaus settlements, the bhaint, or nuzzerana, shall be aboliſhed. The wages of the putwarries shall be paid by the ryots; but the expense of the mussahut, or measuring, and valuing the crops, shall be defrayed by government, in consideration of the additional pusseree received out of the politch crop. In all cases when crops are valued, the valuation shall be determined by the price current of the day. In khaus settlements, the ryots shall

Rules for dividing the produce between government and the ryots where a khaus settlement shall be made.

Nuzzerana or bhaint aboliſhed. Putwarries wages to be paid by the ryots. Expense of measuring and valuing crops to be defrayed by government.

Valuation to be determined by the price current of the day.

engage,

engage, that the cultivation of the lands ſhall not fall off; and that they ſhall not undertake the cultivation of new lands until they have accompliſhed that of the land already engaged for by them.

Ryots to engage to keep up the cultivation.

XIII. ART. XII. All authorized abwaubs ſhall be conſolidated and incorporated with the land rent, and expreſſed in the pottahs and cabooleats; and nothing but what is there expreſſed ſhall be collected from the ryots or under renters.

All authorized abwaubs to be conſolidated with the land rent, and expreſſed in the pottahs and cabooleats.

XIV. ART. XIII. All perſons who may enter into engagements for the ſettlement, ſhall bind themſelves, by written obligations, to grant pottahs, of the above deſcription, to their ryots and under renters of every deſcription; ſpecifying the amount to be paid by ſuch ryots and under renters reſpectively; and counter engagements ſhall be executed by the ryots and under renters of a ſimilar tenor and purport.

Perſons entering into engagements to grant pottahs of the above deſcription to the ryots;

who ſhall execute counter engagements.

XV. ART. XIV. All perſons who may enter into engagements with government, ſhall previouſly give ſecurity for the fulfilment thereof, in an amount equal to one fourth of their annual jumma.

Security to be given, by perſons entering into engagements with government, equal to one fourth of the jumma.

XVI. ART. XV. In concluding the ſettlement of the land revenue, in the territories mentioned in this proclamation, at the commencement of the year 1213 Fuſſily, the allowance of nankar to ſuch of the zemindars as may engage for their lands ſhall be regulated by deducting the amount of the nankar from the jumma, and taking engagements from the zemindars for the neat reſidue; provided that the deduction for nankar ſhall not, in any inſtance, exceed ten per cent on the neat jumma.

In concluding the ſettlement, the nankar to be deducted from the jumma, if not exceeding ten per cent.

XVII. ART. XVI. Perſons having claims to lands, for which engagements have been entered into with the preſent poſſeſſors, and

Rules reſpecting the claims of perſons having claims to

Lands, who shall not prefer the same within certain periods.

and who shall not prefer their claim to regain possession of the same within six months from the date (as recorded in the respective zillahs) of issuing this proclamation, shall not be entitled to be restored to the actual possession of such lands, before the expiration of the year 1213 Fussily, if the lands are situated in the zillah of Bundlecund; or before the expiration of the first triennial lease, ending with the year 1215 Fussily, if the lands are situated in the zillah of Allyghur, the northern or southern division of the zillah of Saharunpore, or the zillah of Agra. Persons preferring such claims, in the zillah of Bundlecund, after the expiration of the year 1213 Fussily, and before the conclusion of the first triennial lease in that zillah, ending with the year 1216 Fussily, shall not be entitled to regain possession of the lands claimed by them, until such lease shall expire. Persons who shall not prefer their claims, before the expiration of the first lease of three years; that is to say, before the commencement of the year 1216 Fussily in the zillah of Allyghur, the northern or southern division of the zillah of Saharunpore, or the zillah of Agra; or before the commencement of the year 1217 Fussily in the zillah of Bundlecund; shall not be entitled to regain possession of the lands claimed by them, until the expiration of the ten years, or the commencement of the year 1223 Fussily. But this rule shall not be considered to restrict persons from preferring their claims, at any time within the ten years.

Report to be made to the Board of Revenue, when a collector shall judge it inexpedient to conclude a settlement with a zemindar; proceedings to be held on the occasion.

XVIII. Art. XVII. In instances in which a collector shall judge it to be inexpedient to conclude a settlement with a zemindar, he shall hold proceedings on the subject, detailing, at large, his reasons for rejecting the claim, with whatever information he may have obtained respecting such zemindar; at the same time, receiving the zemindar's answer to the objections urged to his claim. The collector shall then transmit the whole of his proceedings to the Board of Revenue, and shall await their determination thereon.

XIX.

Large zemindarries not to be entrusted to zemindars.

XIX. ART. XVIII. The collectors shall not, in any instance, entrust the settlement, or the collection, of the revenues of a considerable zemindarry to a tehsseeldar. The settlement of all zemindarries of the above description shall be concluded immediately by the collectors, to whom the revenue of such zemindarries shall also be immediately paid. In like manner, the collectors shall conclude the settlement, and receive immediately into their respective treasuries, the collections of all other lands which they can bring under their immediate superintendence, without detriment to their general avocations.

The settlement and collections of all other lands to be likewise managed by the collectors, in all practicable cases.

Rent of considerable farms to be paid immediately into the treasuries of the collectors, in certain cases.

XX. ART. XIX. In instances in which lands to a considerable amount shall be let in farm, to one individual, and government shall be of opinion, from the report of the Board of Revenue, that the other avocations of the collector will admit of the measure, the rent of such farm shall be paid immediately into the treasury of the collector, instead of being received through the channel of a tehsseeldar.

Explanation of the third and fourth articles of this proclamation, respecting the rule to be adopted in adding to the jumma a portion of the increased produce, in concluding the future settlements.

XXI. ART. XX. With the view of obviating any misconstruction of the rule to be adopted, in adding to the jumma a portion of the encreased produce, in concluding the settlements to be formed, at the commencement of the Fussily years 1216 and 1219, or 1217 and 1220, (according as the settlements shall be concluded in the provinces ceded by Dowlut Rao Scindiah, or in the territory ceded by the Peishwah) it is hereby declared, in explanation of the third and fourth articles of this proclamation, that the amount of the nankar, to which the zemindars will be entitled, conformably to the engagements entered into by them, under this proclamation, shall be deducted from the actual yearly produce of their estates, at the time of the expiration of each lease, and the actual encrease of public revenue, to be assessed agreeably to the articles above specified, shall be calculated on the amount of the difference between the actual net produce, after such deduction, and the annual amount of the former lease. It is, at the same time, declared,

declared, that the portion of the encreaſed produce, relinquiſhed to the zemindars under the above mentioned articles, on the formation of the ſucceſſive ſettlements, ſhall be conſidered as precluding all claim, on the part of the zemindars, to any further proportion of ſuch encreaſed produce, on account of nankar, in addition to the deduction which will be made and continued to them on this account.

A diſcretionary power veſted in the landholders to grant ſmall portions of land for the ſupport of village watchmen, exempt from the payment of rent.

Such lands reſumable, on the death or removal of the perſons to whom they may be granted;

XXII. ART. XXI. A diſcretionary power is veſted in the landholders to grant ſmall portions of land, exempt from the payment of revenue, for the ſupport of their village watchmen, whenever they ſhall prefer making ſuch grants to paying the watchmen a pecuniary allowance. Such grants, however, ſhall be reſumable, on the death or removal of the perſons to whom they may be made; and the lands thus exempted from the payment of rent, as well as any other lands held by public officers or private ſervants exempt from rent, in lieu of wages, and not forming part of any authorized lakheraje grants, or tenures, within the proviſions of Regulations XXXI and XXXVI, 1803, ſhall be conſidered to form a component part of the malguzarry lands of the eſtates to which they may reſpectively appertain, for the revenue aſſeſſed upon which they will conſequently be held reſponſible, in common with all other malguzarry lands included therein.

And conſidered reſponſible for the revenue aſſeſſed upon the eſtates to which they may reſpectively appertain.

Proprietors of lands held khaus or let in farm, will be reſtored to the management of the ſame, on agreeing to the payment of the required aſſeſſment. Reſtriction with reſpect to lands let in farm.

XXIII. ART. XXII. The Governor General in Council hereby notifies to thoſe zemindars, independent talookdars, and other actual proprietors of land, whoſe lands may be held khaus, or let in farm, in conſequence of their refuſing to pay the aſſeſſment required of them, under this proclamation; that the zemindars, independent talookdars, and other actual proprietors of land, whoſe lands may be held khaus, ſhall be reſtored to the management of their lands, upon their agreeing to the payment of the aſſeſſment which ſhall be required of them, in conformity to the preſcribed rules for the ſettlement of the land revenue; and that the zemindars, independent talookdars, and other actual proprietors of land, whoſe

whoſe lands may be let in farm, ſhall not regain poſſeſſion of their lands, before the expiration of the period for which they may be farmed, (unleſs the farmers ſhall voluntarily conſent to make over to them the remaining term of their leaſe, and the Governor General in Council ſhall approve of the transfer but that, at the expiration of that period, upon their agreeing to the payment of the aſſeſſment which ſhall be required of them, they ſhall be reinſtated, under the general regulations, in the management of their eſtates reſpectively.

Aſſeſſment in former times liable to variation at the diſcretion of the ruling power.

XXIV. ART. XXIII. It is well known to the zemindars, talookdars, and other deſcriptions of landholders, in the provinces ſituated in the Dooab and on the right bank of the river Jumna, which have been ceded to the Honorable the Engliſh Eaſt India Company by Dowlut Rao Scindiah and the Peiſhwah, that, from the earlieſt times, until the preſent period, the public aſſeſſment upon the lands has never been fixed; and that, according to eſtabliſhed uſage and cuſtom, the rulers of thoſe territories, and their delegates, have exerciſed a diſcretionary and deſpotic authority, in depriving them of the poſſeſſion of their zemindarries, talooks, and other tenures; whereby their right of property therein has become precarious and of little value; whilſt the lands, from being let in farm to ſtrangers, or otherwiſe diſpoſed of, have been impoveriſhed; and the tenants and cultivators of the ſoil have been expoſed to rapacity and oppreſſion. With a view of promoting the intereſts of the landholders, and to enhance the value of their eſtates; as well as to induce them to encourage their under tenants, and to extend cultivation, under the certainty that they will enjoy the fruits of their induſtry and good management; the Governor General in Council has, by the rules contained in the preceding articles of this proclamation, not only directed a ſettlement to be immediately made with the zemindars and other proprietors of land, who ſhall be willing to engage for the revenue of their reſpective eſtates, but has alſo declared, that a permanent aſſeſſment ſhall be fixed, at the

Motives of the Governor General in Council for abolishing this uſage, and providing for a permanent aſſeſſment.

end

end of ten years, on such lands as shall be in a state of cultivation sufficiently advanced to render it proper to fix the assessment on the same in perpetuity; and the Governor General in Council further declares the proprietary rights of all zemindars, talookdars, and other descriptions of landholders, possessing a right of property in the lands composing their zemindarries, talooks, or other tenures, to be confirmed and established, under the authority of the British government, in conformity to the laws and usages of the country, and to the regulations which have been, or shall be hereafter, enacted by the Governor General in Council.

The following declarations published to proprietors of land.

XXV. ART. XXIV. To prevent any misconstruction of the declaration contained int he foregoing article, the Governor General in Council deems it to be necessary to publish the following declarations to the zemindars, independent talookdars, and other actual proprietors of land.

Government to enact such regulations as they may think necessary for the welfare of the dependent talookdars, and cultivators; and proprietors not to withhold the revenue on that account.

First. It being the duty of the ruling power to protect all classes of people, and more particularly those who, from their situation, are most helpless, the Governor General in Council will, whenever he shall deem it proper, enact such regulations as he shall judge to be necessary, for the protection and welfare of the dependant talookdars, ryots, and other cultivators of the soil; and no zemindar, independent talookdar, or other actual proprietor of land, shall be entitled, on this account, to make any objection to the discharge of the assessment on their lands which they have respectively agreed, or may hereafter agree, to pay.

All internal duties that may be hereafter established, to belong exclusively to government.

Second. The Governor General in Council having, by Regulation XI, 1804, abolished all the duties coming under the denomination of sayer, rahdarry, zemindarry, or any other denomination, levied on goods or merchandize of any description, with the exception of the established duties levied by government in bazars and gunges, which duties have been since abolished by Regulation VI, 1805, and a town duty established in lieu thereof;

of; and it being provided, by the ſecond article of this proclamation, that all engagements for the land revenue, entered into with government, ſhall be excluſive of ſayer duties, and of all other collectors not connected with the land revenue; the Governor General in Council hereby declares, that, if he ſhould hereafter think it proper to eſtabliſh any internal duties, and to appoint officers, on the part of government, to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remiſſions of aſſeſſment on that account.

Jumma that may be aſſeſſed on alienated lands, to belong excluſively to government.

Third. The Governor General in Council will impoſe ſuch aſſeſſment, as he ſhall deem equitable, on all lands held exempt from the public revenue, which have been, or ſhall be, proved to be ſo held, under illegal or invalid titles. The aſſeſſment thus impoſed will belong to government; and no proprietor of land will be entitled to any part of it.

Police allowances in land or a money, reſumable by government, on the proprietors being exonerated from the charge of keeping the peace.

Fourth. The jumma of thoſe zemindars, independent talookdars, and other actual proprietors of land, with whom a ſettlement ſhall be concluded, under the terms ſet forth in the preſent proclamation, ſhall be conſidered excluſive of any allowances which may be made to them, in the adjuſtment of their jumma, for maintaining tannahs, or police eſtabliſhments; and alſo of the produce of any lands which they may be permitted to appropriate for the ſame purpoſe; and the Governor General in Council reſerves to himſelf the option of reſuming the whole or any part of ſuch allowances, or of the produce of ſuch lands, if he ſhould, at any time, think it to be proper to exonerate the proprietors of land from the charge of keeping the peace, and to appoint officers, on the part of government, to ſuperintend the police of the country. The Governor General in Council, however, declares, that the allowances, or the produce of lands, which may be thus reſumed, will be appropriated to no other purpoſe but that of defraying the expenſe of the police.

Proprietors at liberty to transfer their lands, without the sanction of government.

XXVI. ART. XXV. That no doubt may be entertained, whether it be lawful for proprietors of land to dispose of their estates, without the previous sanction of government, the Governor General in Council notifies to the zemindars, independent talookdars, and other actual proprietors of land, that they are at liberty to transfer, to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary rights, in the whole, or any portion, of their respective estates, without applying to government for it's sanction to the transfer; and that all such transfers will be held valid, provided that they be conformable to the Mahommedan or the Hindoo laws, (according as the religious persuasions of the parties to each transaction may render the validity of it determinable by the former or the latter code) and that they be not repugnant to any regulations now in force, or which shall be hereafter enacted by the British government. It is, at the same time, hereby declared, that no private transfer, by sale, gift, or otherwise, nor any private mortgage or other assessment upon land assessed with the public revenue, will be admitted, in any respect, to affect the indefeasible right of government to hold all such lands answerable, in the first instance, for the public revenue assessed thereupon.

Provided the transfer be conformable to law, and not contrary to the regulations.

Such transfer declared not to affect the right of government to hold the lands answerable for the revenue assessed thereon.

Rules for apportioning the fixed jumma on portions of estates, in the event of their being disposed of at public sale, or transferred by the proprietors, and on shares of estates divided amongst the joint proprietors, upon the transfer or division being notified to the collector, or other prescribed officers.

XXVII. ART. XXVI. Whenever an entire estate (viz. the whole of any landed property, for the assessment on which a distinct engagement has been or shall be entered into between government and the proprietor, or which shall be separately assessed, although included in one engagement with other estates belonging to the same proprietor) shall be disposed of, by public or private sale, without any subdivision of such estate, no new allotment of the jumma will be requisite, and the purchaser will succeed to all the rights of the former proprietor in the entire estate. But it is essential, that a declaration should be made of the principles upon which the public assessment, or jumma, charged upon any such estates, will be apportioned on the several divisions of it, in the event of the whole of it being

transferred

transferred, by public or by private ſale, or otherwiſe, in two, or more lots, or of a portion of it being transferred in one, or in two, or more lots, or of it's being joint property, and a diviſion of it being made among the proprietors. The Governor General in Council has accordingly preſcribed the following rules for apportioning the public aſſeſſment in the ſeveral caſes abovementioned; and, as government might ſuſtain a conſiderable loſs of revenue by diſproportionate allotments of that aſſeſſment, were the apportioning of it, in any of the caſes above ſpecified, to be left to the proprietors, it is hereby required, that all ſuch transfers or diviſions as may be made, by the private act of the parties themſelves, be notified to the collector of the revenue of the zillah in which the lands ſhall be ſituated, or ſuch other officer as government ſhall in future preſcribe, in order that the public aſſeſſment, or jumma, charged upon the whole eſtate, may be apportioned on the ſeveral ſhares in the manner hereafter directed; that the names of the proprietors of each ſhare, and the jumma charged thereon, may be entered in the public regiſter; and that ſeparate engagements for the payment of the jumma, aſſeſſed upon each ſhare, may be executed by the proprietors, who will thenceforward be conſidered as proprietors of diſtinct eſtates. If the parties concerned in ſuch transfers or diviſions of eſtates ſhall omit to notify the ſame to the collector of the revenue of the zillah, or ſuch other officer as ſhall be hereafter preſcribed, for the purpoſes beforementioned, the whole of the original eſtate will be held reſponſible to government, for the diſcharge of the jumma aſſeſſed upon it, in the ſame manner as if no ſuch transfer or diviſion had ever taken place. The Governor General in Council deems it to be neceſſary further to notify, in elucidation of the declarations contained in this article, that, if any zemindar, independent talookdar, or other actual proprietor of land, ſhall diſpoſe of a portion of his or her lands as a dependant talook, or any other under-tenure, to remain as a dependency, ſubject to the payment of rent to the proprietor of the eſtate, of which ſuch talook may form a

But the tranſfer of dependant talooks, not to affect the rights or claims of government in any reſpect.

part,

part, the jumma which may be ſtipulated to be paid by the dependant talookdar, or other under-tenant, will not be entered in the records of government, nor will the transfer exempt ſuch lands from being anſwerable, in common with the remainder of the eſtate, for the payment of the public revenue aſſeſſed upon the whole of it, in the event of the proprietor, or his or her heirs, or ſucceſſors, falling in arrear, from any cauſe whatever; nor will ſuch transfer be allowed, in any caſe, to affect the rights or claims of government, any more than if it had never taken place.

Firſt. In the event of the whole eſtate of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a ſettlement has been, or ſhall be, concluded, being expoſed to public ſale, by order of the Governor General in Council, for the diſcharge of arrears of the public aſſeſſment, or in conſequence of the deciſion of a court of juſtice, in two or more lots, the aſſeſſment upon each lot ſhall be fixed at an amount which ſhall bear the ſame proportion to it's actual neat produce, as the public aſſeſſment upon the whole of the lands ſold may bear to the whole of their actual neat produce. The neat annual produce is to be underſtood to be the neat annual rent, or other neat produce, receivable by the proprietor, after deducting from the groſs rent, or other groſs produce, the actual expenſes of collection, and other uſual charges of management, incluſive of the expenſe of embankments, and ſimilar incidental expenſes, where ſuch may be paid by the proprietor from his groſs receipts; but excluſive of his malikanah, nankar, or other proprietary income, and all other perſonal appropriations of the groſs produce of his eſtate, as ſuch can have no claim to conſideration, in determining the neat produce for an equal diviſion of landed property, or for the allotment of the public aſſeſſment thereon, in conformity to the rules preſcribed. The neat produce, as here defined, ſhall be aſcertained in the mode that is, or ſhall be, preſcribed by the regulations; and the purcha-

Explanation of the term, actual neat produce.

ſer

ſer or purchaſers of ſuch lands, and his, her, or their heirs, and lawful ſucceſſors, ſhall hold them at the jumma at which they may be ſo purchaſed, ſubject to the general rules in force, at the time of ſale, for the periodical or permanent aſſeſſment of the land revenue.

Second. When a portion of the eſtate of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a ſettlement has been, or ſhall be, concluded, ſhall be expoſed to public ſale, by order of the Governor General in Council, for the liquidation of arrears of aſſeſſment, or purſuant to the deciſion of a court of juſtice, the aſſeſſment upon ſuch lands, if diſpoſed of in one lot, ſhall be fixed at an amount which ſhall bear the ſame proportion to their actual neat produce, as the aſſeſſment upon the whole of the lands of ſuch proprietor, included in the ſame eſtate, may bear to the whole of their actual neat produce. If the lands ſold ſhall be diſpoſed of in two or more lots, the aſſeſſment upon each lot ſhall be fixed at an amount which ſhall bear the ſame proportion to it's actual neat produce, as the aſſeſſment upon the whole of the lands of ſuch proprietor, included in the ſame eſtate, may bear to the whole of their actual neat produce. The actual neat produce of the whole of the lands of ſuch proprietor, whether the portion of ſuch lands which may be ſold be diſpoſed of in one, or in two, or more lots, ſhall be aſcertained in the mode that is or ſhall be preſcribed by the regulations; and the purchaſer or purchaſers of ſuch lands, and his, her, or their heirs, or ſucceſſors, will be allowed to hold them at the jumma at which they may be ſo purchaſed, ſubject to the general rules in force, at the time of ſale, for the periodical or permanent aſſeſſment of the land revenue.

Third. When a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a ſettlement has been, or ſhall be, concluded, ſhall transfer the whole of his or her eſtate, in two or more diſtinct portions, to two or more perſons,

perſons, or a portion thereof to one perſon, or to two or more perſons in joint property, by private ſale, gift, or otherwiſe, the aſſeſſment upon each diſtinct portion of ſuch eſtate, ſo transferred, ſhall be fixed by the collector, or other authorized officer of government, at an amount which ſhall bear the ſame proportion to it's actual neat produce as the aſſeſſment upon the whole of the eſtate of the transferring proprietor, of which the whole or a portion may be ſo transferred, may bear to the whole of it's actual neat produce. This produce ſhall be aſcertained in the mode that is, or ſhall be, preſcribed in the regulations; and the perſon or perſons to whom ſuch lands may be transferred, and his, or her, or their heirs, and lawful ſucceſſors, ſhall hold them at the jumma at which they may be ſo transferred, after the ſame ſhall have been duly ſanctioned and regiſtered, and engaged for; ſubject to the general rules in force, at the time of transfer, for the periodical or permanent aſſeſſment of the land revenue.

Fourth. Whenever a diviſion ſhall be made of lands, the ſettlement of which has been, or ſhall be, concluded with, or on behalf of, the proprietor or proprietors, and that are or may become the joint property of two or more perſons, the aſſeſſment upon each ſhare ſhall be fixed by the collector, or other authorized officer of government, at an amount which ſhall bear the ſame proportion to it's actual neat produce, as the jumma aſſeſſed upon the whole of the eſtate divided may bear to the whole of it's actual neat produce. This produce ſhall be aſcertained in the mode that is, or ſhall be, preſcribed by the regulations; and the ſharers, and their heirs, and lawful ſucceſſors, ſhall hold their reſpective ſhares at the jumma which may be ſo aſſeſſed upon them, after the ſame ſhall have been duly ſanctioned, regiſtered, and engaged for; ſubject to the general rules in force, at the time of the diviſion, for the periodical or permanent aſſeſſment of the land revenue.

Rules for adjuſting the jumma of lands held khaus, or let in

XXVIII. ART. XXVII. The following rules are preſcribed, reſpecting the adjuſtment of the public aſſeſſment or jumma on the lands

lands of zemindars, independent talookdars, and other actual proprietors of land, whose lands are, or may be, held khaus, or let in farm, by government, in the event of their being disposed of by public sale, or transferred by any private act of the proprietor, or of their being joint property, and a division of them taking place amongst the proprietors.

farm, in the event of the whole, or any parts of them being disposed of by public sale, or private transfer, or divided amongst the proprietors.

First. If the whole, or a portion, of the lands of a zemindar, independent talookdar, or other actual proprietor of land, who may not have agreed to the payment of the assessment proposed to him or her, and whose lands are, or shall be, held khaus, or let in farm by government, shall be exposed to public sale, in one, or in two, or more lots, pursuant to the decree of a court of justice, such lands, if khaus, shall be disposed of at whatever assessment the Governor General in Council shall deem equitable; and the purchaser or purchasers of such lands, and his, or her, or their heirs, and lawful successors, shall hold the lands at the assessment at which they shall be so purchased, subject to the general rules in force, at the time of sale, for the periodical or permanent assessment of the land revenue. If the lands, at the time of their being exposed to sale, shall be held in farm, and shall be put up in one, or in two, or more lots, they shall be disposed of under the following conditions. The purchaser or purchasers shall receive, during the unexpired part of the term of the lease of the farmer, whatever such proprietor shall have been entitled to receive, in virtue of his or her proprietary rights, on account of the lands so purchased; and such purchaser or purchasers shall, at the expiration of the lease of the farmer, be put in possession of the lands, on his or their engaging to pay such assessment as government may deem equitable, under the general rules in force for the assessment of the land revenue.

Second. If a zemindar, independent talookdar, or other actual proprietor of land, whose lands are, or may be, held khaus, or let in farm, by government, shall transfer, by private sale, gift,

or

of otherwiſe, the whole or a portion of his or her lands, in one, or in two, or more lots, and ſuch transfer be legal and valid, under the regulations, the perſon or perſons, to whom the lands may be ſo transferred, ſhall be conſidered to have ſucceeded to the whole of the proprietary rights of the former poſſeſſor, and will accordingly be entitled to receive any malikanah or nankar, to which the former proprietor was entitled, on account of the lands ſo transferred. Perſons to whom ſuch lands may be ſo transferred, will ſtand in the ſame predicament as the zemindars, independent talookdars, or other actual properietors of land, mentioned in the eighteenth article, whoſe lands are held khaus, on have been let in farm, in conſequence of their refuſing to pay the aſſeſſment required of them, under this proclamation; and the declarations contained in that ſection are to be held applicable to them.

Third. In the event of a diviſion being made of lands which are or ſhall become, the joint property of two or more perſons, and which are, or ſhall be, held khaus, or let in farm, by government, the proprietors of the ſeveral ſhares will ſtand in the ſame predicament, with regard to their reſpective ſhares, as the zemindars, independent talookdars, and other actual proprietors of land, ſpecified in the eighteenth article, whoſe lands have been let in farm, or are held khaus, by government, in conſequence of their having refuſed to pay the aſſeſſment required of them; and the declarations contained in that ſection are to be conſidered applicable to them.

Nothing in the two preceding articles to preclude the reviſion of allotment of the aſſeſſment on portions of eſtates, in caſes of evident error, colluſion, or fraud.

XXIX. ART XXVIII. Nothing in the two preceding articles ſhall be underſtood to preclude the reviſion and correction of allotments of the public aſſeſſment, upon portions of eſtates diſpoſed of by public ſale, or private transfer, or upon the partition of joint eſtates, in caſes of evident error, colluſion, or fraud, for which proviſion has been made by Regulation XXVI, 1803, preſcribing rules for the ſale and diviſion of lands paying revenue

to

to government; nor ſhall any thing in the foregoing ſection be conſtrued to authorize the collectors, or any other officers of government, to determine finally the amount of the public aſſeſſment to be allotted upon the portion of an eſtate, whether publicly or privately diſpoſed of, or divided between ſharers, without the ſanction of the Board of Revenue, as more fully provided for by the regulation abovementioned.

A. D. 1805. REGULATION X.

A REGULATION *for amending the constitution of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut as far as relates to the appointment of the Chief Judge of those courts.*—PASSED *by the Governor General in Council, on the 25th July* 1805; *corresponding with the* 11*th Sawon* 1212 *Bengal era; the* 14*th Sawon* 1212 *Fussily; the* 11*th Sawon* 1212 *Willaity; the* 14*th Sawon* 1862 *Sumbut; and the* 27*th Rubbee-us-Saanee* 1220 *Higeree.*

Preamble.

WHEREAS with the view of providing for the more expeditious and effectual administration of justice in the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, it was enacted by Regulation II, 1801, that the Governor General and the Members of the Supreme Council should be divested of the judicial powers formerly exercised by them as judges of those courts, and that the administration of justice in the said courts should be committed to three judges, and that the Chief Judge only should be a Member of

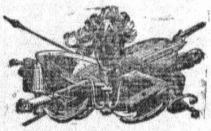
of the Supreme Council, and that the other two judges ſhould be civil ſervants of the Company not being Members of the Supreme Council: And whereas the exerciſe of the functions of Chief Judge of the ſaid courts by a Member of the Supreme Council is not only liable in a great degree to the objections which exiſt to the exerciſe of the functions of judges of thoſe courts by the Governor General, and the Members of the Supreme Council, collectively, but is moreover exceptionable on grounds connected with the nature of the relations ſubſiſting between ſuch Chief Judge as a Member of the Supreme executive branch of the Government, and the Governor General, and the other Members of that branch of the Government: And whereas the various important and laborious duties of the Members of the Supreme Government render it impracticable for any member of that Government to diſcharge the extenſive and arduous duties of Chief Judge of the ſaid courts: And whereas it is eſſential for the purpoſe of giving full effect to the proviſions made by the conſtitution eſtabliſhed for the internal government of the Britiſh territories ſubject to the immediate Government of this preſidency by the regulations paſſed on the 1ſt of May 1793, for enſuring to the people the permanent enjoyment of the ineſtimable bleſſing of juſt laws duly adminiſtered, that the ſeparation of the judicial authority from the executive authority in all their reſpective branches and gradations (which formed a fundamental principle of that conſtitution,) ſhould be carried into full and complete execution both in form and in practice; the Governor General in Council has enacted the following rules, to be in force from the date of this regulation.

The chief judge of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut to be ſelected from among the civil

II. Such parts of Sections III, and X, Regulation II, 1801, as direct that the Chief Judge of the Court of Sudder Dewanny Adawlut, and the Court of Nizamut Adawlut, ſhall be a Member of the Supreme Council, to be ſelected by the Governor

vernor General in Council, is hereby reſcinded, and the Chief Judge of the ſaid Courts ſhall be ſelected by the Governor General in Council from among the civil covenanted ſervants of the Company not being Members of the Supreme Council.

covenanted ſervants of the Company not being members of the Supreme Council.



A. D. 1805. REGULATION XIII.

A REGULATION *for the maintenance of the peace and for the ſupport and adminiſtration of the police in the zillah of Cuttack, and for amending certain proviſions contained in Regulation* IV, 1804.—PASSED *by the Vice Preſident in Council, on the 5th of September* 1805; *correſponding with the* 22*d Bhadoon* 1212 *Bengal era*; *the* 26*th Bhadoon* 1212 *Fuſſily*; *the* 22*d Bhadoon* 1212 *Willaity*; *the* 12*th Bhadoon* 1862 *Sumbut*; *and the* 10*th Jumadee-us-Sany* 1220 *Higeree*.

WHEREAS it is eſſential to the ſecurity of the perſons and property of the inhabitants of the diſtricts and lands included in the province of Cuttack and its dependencies, that a regular and efficient ſyſtem of police ſhould be maintained in the ſaid province: And whereas it was the practice in the ſaid province when under the Mahratta government, to veſt the immediate maintenance of the peace in certain ſirdar pykes, alſo called kandytes, aided by inferior pykes, under the orders and control of the ſaid ſirdars, for whoſe ſupport lands were aſſigned under

under the orders and authority of the ſaid government: And whereas the general control of the ſaid ſirdars, and other pykes, was veſted at the time of the conqueſt of the province of Cuttack by the Britiſh arms in the zemindars, talookdars, farmers, and other holders of land, within the limits of their reſpective eſtates and farms, excepting in caſes in which they had been ſpecifically deprived of the charge of the police by the ſaid government either for miſconduct, or for inability to perform the duty entruſted to them, or for other ſubſtantial reaſons: And whereas in ſuch caſes it was uſual to veſt the general charge of the police, within certain eſtabliſhed limits in the ſaid ſirdar pykes or kandytes abovementioned: And whereas experience has demonſtrated that the ſyſtem of police at preſent eſtabliſhed in the province of Cuttack is well calculated for the prevention of crimes, and for the maintenance of the general tranquillity of the country; the following rules have been enacted, to be immediately in force in the province of Cuttack, including the pergunnahs of Putteſpore, Kummardichour and Bograe.

The diſtricts and lands comprized in the province of Cuttack with certain exceptions ſhall be formed into one zillah, to be denominated the zillah of Cuttack.

II. The diſtricts and lands comprized in the province of Cuttack, with the exception of the pergunnahs of Putteſpore, Kummardichour and Bograe, ſhall be formed into one zillah, inſtead of two zillahs, as preſcribed in Regulation IV, 1804; and ſhall be denominated the zillah of Cuttack.

Certain pergunnahs ſhall be included in the zillah of Midnapore, but ſubject to the regulations enacted for Cuttack.

III. The abovementioned pergunnahs of Putteſpore, Kummardichour and Bograe, ſhall be included as at preſent, in the zillah of Midnapore; ſubject however to all the laws and regulations which have been or may be enacted for the internal government of the zillah of Cuttack; provided nevertheleſs, that it ſhall at any time be lawful for the Governor General in Council, by an order in Council, to make any alteration with reſpect to the boundaries of the ſaid zillahs of Midnapore and Cuttack, which may appear to be expedient.

Governor General in Council may alter the boundaries as may appear expedient.

IV.

IV. *First.* The following rules ſhall be obſerved in the appointment of darogahs for the maintenance of the police in the zillah of Cuttack, and in the abovementioned pergunnahs of Putteſpore, Kummardichour and Bograe.

Rules for the appointment of darogahs for the maintenance of the police.

Second. In caſes in which the zemindars, talookdars, and other landholders have not been formally diveſted of the charge of the police within the limits of their reſpective eſtates, for miſconduct or any other reaſon, either by the late Mahratta government, or by the Board of Commiſſioners for the ſettlement of the affairs of Cuttack; ſuch zemindars, talookdars, and other landholders, ſhall continue under the reſponſibility ſtated in Section VI, Regulation IV, 1804; in charge of the police, according to eſtabliſhed uſage, within their reſpective eſtates; that is, the principal zemindars, talookdars and other landholders, being proprietors of large eſtates, ſhall be conſtituted darogahs of police, within the limits of their reſpective poſſeſſions; and the inferior zemindars, talookdars, and other landholders, being proprietors of petty eſtates, ſhall be conſidered to be ſubordinate officers of police, ſubject to the abovementioned reſponſibility, under the immediate authority of darogahs, who ſhall be ſelected and appointed for the maintenance of the police in eſtates or mohauls of the latter deſcription.

Such of the zemindars as have not been formally diveſted of the charge, ſhall continue to act as police officers in their reſpective eſtates under the reſponſibility ſtated in Section VI, Regulation IV, 1804.

Proprietors of large eſtates ſhall be conſtituted darogahs.

Proprietors of petty eſtates to be ſubordinate officers under darogahs to be ſelected and appointed.

Third. In caſes in which any of the zemindars, talookdars, and other landholders, have been diveſted of the charge of the police (as above noticed) within the limits of their reſpective eſtates, one, two, or more kandytes or ſirdar pykes, according to the extent of ſuch eſtates, ſhall in conformity to eſtabliſhed uſage, be veſted with the immediate maintenance of the peace, the apprehenſion of public offenders, and other duties of that deſcription, within the limits of the ſaid eſtates; ſubject nevertheleſs to the control of darogahs, who ſhall be appointed for the ſuperintendence of the police and the general control of the conduct of the ſaid kandytes, and all inferior officers of police, within

In caſes in which any zemindars &c. have been diveſted of the charge of the police, kandytes ſhall be nominated to the charge under the control of darogahs.

within the limits of the authority of the ſaid darogahs reſpectively.

Darogahs to receive ſuch ſalaries as government may fix.

Fourth. The darogahs who may be appointed under Clauſes Second and Third of this ſection, ſhall receive ſuch ſalaries as the Governor General in Council may think proper to fix for their ſupport, on a conſideration of the labor and reſponſibility of the offices held by them.

Lands aſſigned by the late government for the maintenance of the ſaid ſirdar pykes ſhall be continued to them.

V. Certain lands having been aſſigned by the authority of the late government, for the maintenance of the ſaid ſirdar pykes and inferior pykes, under the control of ſuch ſirdars, for the ſupport of the general police of the country; thoſe lands ſhall be continued to the ſaid ſirdar and other pykes for the purpoſes, to which they have been hitherto appropriated. It is to be underſtood however, that all officers of that deſcription ſhall be conſidered ſubject to the authority of the darogahs of police, whether zemindars or others within their reſpective limits, and ſhall be bound to conform to all legal orders, which may be iſſued to them by ſuch darogahs, conformably to the powers with which the darogahs may be inveſted. It is further to be underſtood, that any ſirdar or other pyke will be liable to be diſpoſſeſſed of his lands for any diſobedience of orders, neglect of duty, undue violence, or other miſconduct; provided however, that whenever a magiſtrate ſhall be of opinion that any kandyte or ſirdar pyke ought to be diſmiſſed from his office, or whenever the place of ſuch officer ſhall become vacant from death, or any other cauſe, the magiſtrate ſhall report the circumſtances of the caſe to the Nizamut Adawlut, who will paſs ſuch orders on the ſubject, as ſhall appear to them to be proper, under the general powers veſted in them by Regulation V, 1804; provided likewiſe, that whenever any vacancy ſhall occur among the inferior pykes either from diſmiſſal, death, or otherwiſe, the places of ſuch pykes ſhall be ſupplied by the ſirdar pyke on declaring himſelf to the magiſtrate reſponſible for the conduct of the perſon recommended by him.

Such officers ſubject to the authority of the darogahs.

Caſes in which they may be diſpoſſeſſed of their lands, and how the magiſtrate is to proceed in ſuch caſes, or in caſes of vacancy of ſuch offices.

VI.

VI. It ſhall be the duty of the darogahs of police, whether zemindars or others, under the guidance and inſtructions of the magiſtrates, to form a complete regiſter of the ſirdar and other pykes, within the limits of the authority of the ſaid darogahs reſpectively.

Darogahs to form a complete regiſter of the ſirdar and other pykes.

VII. It ſhall further be the the duty of the darogahs of police to aſcertain and fix, under the orders of the magiſtrates, the limits of the local authority of the kandytes or ſirdar pykes, and of the inferior officers of police, attached to the ſaid ſirdars; ſo that every part of the province of Cuttack, whether conſiſting of lands paying revenue to government, or of lands exempt from the payment of revenue, may receive the protection of the ſubordinate officers of police, under the directions of the darogahs, and the general control of the magiſtrates.

The darogahs ſhall fix under the orders of the magiſtrates the limits of the local authority of the kandytes and other inferior officers of police.

VIII. Nothing contained in this regulation ſhall be conſtrued to exempt the zemindars, talookdars, farmers, and other holders of land, although they be not formally conſtituted officers of police, from the duty of affording every aſſiſtance in the prevention of breaches of the peace, and in the apprehenſion of public offenders; who are immediately to be delivered into the cuſtody of the neareſt officers of police.

This regulation not to exempt the zemindars, &c. from affording every aſſiſtance in their power for the prevention of breaches of the peace, &c.

IX. Any zemindar, talookdar, or holder of land, exempt from revenue, who may be ſuſpected of conniving at any robbery, or other public offence, will be liable to be proſecuted before the criminal courts of the country, and puniſhed on conviction, under the general laws and regulations of the country.

Zemindars, &c. ſuſpected of conniving at robbery or other offences liable to proſecution, before the criminal courts.

X. It ſhall be the duty of the collectors of Cuttack and Midnapore, to form a complete regiſter of the lands aſſigned for the ſupport of the ſirdar and other pykes, ſpecifying the quit rent payable to the zemindars, talookdars, and other landholders, (if according to eſtabliſhed uſage, the lands have been hitherto

Collectors of Cuttack and Midnapore to form a complete regiſter of the lands aſſigned for the ſirdar and other pykes, and to tranſmit a copy to the Board of Revenue.

ſubject

ſubject to the payment of ſuch quit rent,) and to tranſmit a copy of the regiſter required to the Board of Revenue, to be depoſited among the records of that Board.

The foregoing rules not to be applicable to doofauds or village watchmen, entertained by the landholders.

XI. The foregoing rules regarding the ſirdar and other pykes, and the lands aſſigned for their ſupport, are not to be conſidered applicable to certain dooſauds, or village watchmen, entertained by the zemindars, talookdars, and other landholders, for the purpoſe of watching crops, guarding granaries, and other duties of that nature; which officers ſhall be left under the excluſive control of the zemindars, talookdors, and other landholders, as heretofore.

Authority of the Board of Commiſſioners in Cuttack, diſcontinued.

XII. The Board of Commiſſioners for the ſettlement of the affairs of Cuttack, having been aboliſhed by the Governor General in Council, the authority of that Board in the ſaid province has been diſcontinued.

General extenſion of the regulations for the police, and the adminiſtration of criminal juſtice to Cuttack.

XIII. All laws and regulations for the maintenance of the police, and for the adminiſtration of juſtice in criminal caſes, in the province of Bengal, which have been or ſhall be enacted, and which ſhall not be inconſiſtent with, or repugnant, to the proviſions contained in this regulation; and likewiſe, ſuch of the rules contained in Regulation IV, 1804, as are not either ſpecifically or virtually reſcinded by the preſent regulation, ſhall have full force and effect in the zillah of Cuttack, and in the purgunnahs of Putteſpore, Kummardichour, and Bograe, included in the zillah of Midnapore; provided however, that no part of this regulation ſhall be conſtrued for the preſent to extend to the eſtates of certain hill or jungle rajahs or zemindars, of which the following is a liſt:

No part of this regulation to be conſtrued to extend to the eſtates of certain hill and jungle rajahs or zemindars.

Killah Neelgery,
Ditto Bankey,
Ditto Joorinoo,
Ditto Nirſingpore,

Killah

Killah Augole,
Ditto Toalcherry,
Ditto Artgurh,
Ditto Kunjur,
Ditto Kindeapara,
Ditto Neahgurh,
Ditto Rampore,
Ditto Hindole,
Ditto Teegereah,
Ditto Burrumboh,
The territory of Mohurbunge.

A. D. 1805. REGULATION XIV.

A REGULATION *for the adminiſtration of juſtice in civil caſes in the zillah of Cuttack.*—PASSED *by the Vice Preſident in Council, on the 5th of September* 1805; *correſponding with the* 22*d Bhadoon* 1212 *Bengal era; the* 26*th Bhadoon* 1212 *Fuſſily; the* 22*d Bhadoon* 1212 *Willaity; the* 12*th Bhadoon* 1862 *Sumbut; and the* 10*th Jumadee-us-Sany* 1220 *Higeree.*

Preamble.

WHEREAS it is neceſſary that proviſion ſhould be made for the adminiſtration of juſtice in civil caſes in the zillah of Cuttack; and whereas it has been judged to be adviſable to extend to the ſaid zillah, the laws and regulations eſtabliſhed for the trial of civil caſes, in the province of Bengal, and in that part of the province of Oriſſa which was heretofore ſubject to the Britiſh government; the following rules have been enacted, to be in force from the period of their promulgation in the zillah of Cuttack, including the purgunnahs of Putteſpore, Kummardichour and Bograe.

II.

Zillah of Cuttack included in the jurisdiction of the provincial court of appeal for the division of Calcutta.

II. The zillah of Cuttack shall be included in the jurisdiction of the provincial court of appeal for the division of Calcutta.

A court of adawlut established in zillah Cuttack for the trial of civil suits.

III. A court of adawlut shall be established in the zillah of Cuttack for the trial of civil suits in the first instance.

Jurisdiction of the zillah court of Cuttack shall not extend to certain pergunnahs annexed to the zillah of Midnapore. Competent to the Governor General in Council to alter the limits of such jurisdiction.

IV. The jurisdiction of the zillah court of Cuttack shall not extend to the pergunnahs of Putteespore, Kummardichour and Bograe, at present annexed to the zillah of Midnapore; provided however, that it shall be competent for the Governor General in Council, by an order in Council, to make any alteration in the limits of the said zillah, which shall appear to him to be expedient.

Courts of adawlut prohibited from hearing, trying, or deciding civil suits, wherein the cause of action shall have arisen twelve years, antecedent to the 14th October 1803.

V. The courts of adawlut are prohibited from hearing, trying, or determining the merits of any civil suit whatever in the zillah of Cuttack, including the abovementioned pergunnahs, if the cause of action shall have arisen at a period, being twelve years antecedent to the 14th day of October 1803, the date on which the fort and town of Cuttack were surrendered to the British arms.

Such restriction to extend to cases of a private nature between individuals, of which cognizance would have been taken by the authorities established under the former government, but not to civil suits originating in acts or engagements of the officers of the former government in their official capacities, or to suits in certain zemindarries, of which cognizance would not have been taken under the former government.

VI. It is to be understood, that the powers vested in the zillah courts by the foregoing clause to receive and try suits, in which the cause of action shall have originated prior to the 14th October 1803, are to be restricted to the trial of suits of a private nature between individuals, of which cognizance would have been taken by the courts, officers, or authorities established for the administration of justice under the government of Maha Rajah Raghoojee Bhoonslah; and that such powers are not to be considered to extend to authorizing the zillah courts to take cognizance of any civil suits originating in acts of the Maha Rajah's government, or of his officers, or in engagements contracted by individuals with the officers of the Maha Rajah's government in their official capacities; and of which, according to the usages

of

of their government, cognizance would not have been allowed to be taken by the perſons entruſted with the exerciſe of judicial authority. This rule ſhall likewiſe be conſidered to be applicable to any ſuits in the zemindarries of Aul, Cojung, Putrah, Hurriſhpore, Muritchpore, Biſhenpore, Kunkah and Kordah, or in which the zemindars, talookdars, farmers, ryots, or other inhabitants of thoſe mohauls, may be parties either as plaintiffs or defendants, and of which according to the policy obſerved by the late Mahratta government, with reſpect to thoſe mohauls, cognizance would not have been taken by the judicial officers of that government.

How the zillah courts are to proceed in caſes wherein they may entertain doubts whether ſuits are cognizable under the preceding ſection.

VII. If any zillah court ſhall entertain doubts whether any ſuit preferred to it is cognizable by it under the reſtrictions contained in the preceeding ſection, ſuch court ſhall ſtate the circumſtances to the provincial court of appeal; which court ſhall forward the ſame with its opinion thereon to the Sudder Dewanny Adawlut; and the Sudder Dewanny Adawlut ſhall ſubmit the caſe to the Governor General in Council, and ſhall abide by ſuch orders as he may paſs with regard to the admiſſion or rejection of the ſuit.

Courts prohibited from hearing, trying, and deciding any ſuit wherein the cauſe of action ſhall have ariſen twelve years antecedent to its inſtitution, unleſs the complainant can aſſign ſatisfactory cauſe for the delay. The Courts are not in any caſe after the expiration of twelve years entertain any ſuit in which the cauſe of action ſhall have ariſen previous to the 12th October 1805.

VIII. After the period of twelve years ſhall have elapſed from the date of the conqueſt of the province of Cuttack, the courts of adawlut are prohibited from hearing, trying, or determining the merits of any civil ſuit, with the exception of the ſuits deſcribed in Sections II and III, Regulation II, 1805; if the cauſe of action ſhall have ariſen at a period, being twelve years antecedent to the date on which the petition for the inſtitution of ſuch ſuit, ſhall be preſented to the court; unleſs the complainant can ſhew by clear and poſitive proof, that he had demanded the money or matter in queſtion, and that the defendant had admitted the truth of the demand, or promiſed to pay the money; or that he directly referred his claim, within that period, to the matter in diſpute, to a court of competent juriſ-

diction;

diction; or perſon having authority, whether local or otherwiſe for the time being, to hear ſuch complaint, and to try the demand; and ſhall aſſign ſatisfactory reaſon to the court, why he did not proceed in the ſuit; or ſhall prove that either from minority, or other good and ſufficient cauſe, he was precluded from obtaining redreſs: provided however, that it ſhall not be competent to the zillah courts, under the powers veſted in them by this clauſe, to hear, try, or determine the merits of any civil ſuit whatever, if the cauſe of action ſhall have ariſen previous to the 14th day of October 1803.

Rules reſpecting the payment of intereſt upon money.

IX. *Firſt.* The following rules ſhall be obſerved in the zillah of Cuttack, including the purgunnahs of Putteſpore, Kummardichour, and Bograe, reſpecting the payment of intereſt on money.

Rule when the cauſe of action ſhall have ariſen before the 14th October 1803.

Second. If the cauſe of action ſhall have ariſen before the 14th of October 1803, the courts of civil judicature are not to decree a higher or lower rate of intereſt than the following, unleſs a lower rate of intereſt ſhall have been ſtipulated to be paid by the parties in the ſuit:—

On ſums not exceeding one hundred ſicca rupees, two rupees and eight annas per menſem, or thirty per cent per annum.

On ſums exceeding one hundred ſicca rupees, two per cent per menſem.

No greater intereſt than 12 per cent per annum to be decreed when the cauſe of action ſhall have ariſen ſubſequently to the 14th October 1803.

Third. If the cauſe of action ſhall have ariſen on, or ſubſequently to, the 14th of October 1803, the courts are not to decree intereſt on any ſum whatever above the rate of twelve per cent per annum.

No intereſt ſhall be decreed in caſes wherein the bond, &c.

Fourth. The courts are not to decree any intereſt whatever, in any caſe, where the bond or inſtrument given for the ſecurity

and

and evidence of the debt, ſhall have been granted on, or ſubſequently to, the 14th day of October 1803, and ſhall ſpecify a higher rate of intereſt than is authorized in Clauſe Third of this Section.

granted ſubſequent to the above date, ſhall ſtipulate a higher intereſt than 12 per cent per annum.

Fifth. Nor to decree any intereſt whatever in favor of the plaintiff in any caſe, where the cauſe of action ſhall have ariſen on, or ſubſequently to, the 14th of October 1803, where a greater intereſt than that which is authorized by this regulation ſhall have been received or ſtipulated to be received, if it be proved that any attempt has been made to elude the rules preſcribed in it by any deduction from the loan, or by any device or means whatever, nor to give any other judgment but for the diſmiſſion of the ſuit, with coſts, to be paid by the plaintiff.

Nor in caſes wherein any attempt has been made to elude the rules preſcribed in the foregoing clauſes,

Such ſuits to be diſmiſſed, with coſts, to be paid by the plaintiff.

Sixth. In caſes of mortgages of real property, executed prior to the 14th of October 1803, in which the mortgagee may have had the uſufruct of the mortgaged property (whether he ſhall have held it in his own poſſeſſion or not) the uſufruct is to be allowed to the mortgagee, in lieu of intereſt, agreeably to the former cuſtom of the country, (provided it ſhall have been ſo ſtipulated between the parties,) until the abovementioned date; ſubſequently to which, the ſame intereſt is to be allowed on ſuch mortgage bonds, and alſo on all bonds for the mortgage of real property, which have been entered into, on, or ſince that date, or that may be hereafter executed, as is allowed on all bonds, which have been, or may be granted on, or poſterior to, ſuch date, and no more; and all ſuch mortgages are to be conſidered as virtually and in effect cancelled and redeemed whenever the principal ſum, with the ſimple intereſt due upon it, ſhall have been realized from the uſufruct of the mortgaged property, ſubſequent to the 14th day of October 1803, or otherwiſe liquidated by the mortgager.

Rules in caſes of mortgages of real property.

Jurisdiction of the Sudder Dewanny Adawlut extended to Cuttack.

X. The jurisdiction of the court of Sudder Dewanny Adawlut is hereby extended to the zillah of Cuttack.

General extension of the regulations which now are, or may hereafter be, in force in the provinces of Bengal, Behar, and Orissa, to Cuttack.

XI. The laws and regulations which now are, or which may be hereafter, established in the provinces of Bengal, and Behar, and in that part of Orissa heretofore subject to the British government, for the guidance of the zillah judges; of the judges of the provincial courts of appeal, and of the Sudder Dewanny Adawlut, for the administration of justice in civil cases, including the regulations for the manufacture of salt, for the provision of the investment, and generally regarding all cases and matters subject to the cognizance of the courts of civil judicature in the said provinces, which are not already extended to the zillah of Cuttack, and which are not repugnant to, or inconsistent with, any of the provisions above stated, or with any of the provisions contained in Regulations XII and XIII, 1805, are hereby declared to be in force in that zillah, and in the pergunnahs of Puteespore, Kummardichour and Bograe; provided, however, that nothing herein contained shall be construed for the present to be applicable to the estates of certain hill or jungle rajahs or zemindars, of whom a list is inserted in Section XXXVI, Regulation XII, 1805; and provided likewise, that in cases in which the Bengal language and character are directed to be used in the province of Bengal: the Oryah language and character shall be used in the zillah of Cuttack, and in the abovementioned pergunnahs.

Exceptions.

A. D. 1805. REGULATION XV.

A REGULATION *for the appointment of the Mahomedan and Hindoo law officers of the zillah and city courts, to be commiſſioners for the trial of referred cauſes, to the amount, or value, of one hundred ſicca rupees; and to make further proviſion for the appointment of head native commiſſioners in the ſeveral zillahs and cities.*—PASSED *by the Vice Preſident in Council, on the* 12*th of September* 1805; *correſponding with the* 29*th Bhadoon* 1212 *Bengal era; the* 3*d Aſſin* 1213 *Fuſſily; the* 29*th Bhadoon* 1212 *Willaity; the* 4*th Aſſin* 1862 *Sumbut; and the* 17*th Jumadee-us-Sany* 1220 *Higeree.*

THE proviſions made by Section XXVI. Regulation XVI. 1803, and Section IX, Regulation XLIX, 1803, for the appointment of a head native commiſſioner, in any city or zillah wherein ſuch appointment may appear adviſable, not expreſsly authorizing

authorizing the appointment of more than one head commiſſioner, in the ſame city, or zillah; and it appearing expedient to authorize the appointment of two or more ſudder aumeens, or head referees, for the trial of civil ſuits which may be referred to them by the zillah or city judges, under the limitations preſcribed in the ſections abovementioned; as well as to appoint the Mahomedan and Hindoo law officers of the zillah and city courts to be ſudder aumeens of the zillahs or cities in which they are reſpectively employed; both as ſuch officers muſt be well qualified to inveſtigate and determine many deſcriptions of cauſes which are inſtituted in the zillah and city courts, and are declared, in the ſections ſpecified, to be referrible to the head native commiſſioners; and as the ſalary received from government by the law officers, with their general reſpectability of character, and ſuperior knowledge, afford the ſtrongeſt grounds of confidence that the powers of referee, in ſuch cauſes as the judges may deem proper to be referred to them, will be exerciſed with integrity and impartiality; the Honorable the Vice Preſident in Council has therefore enacted the following rules, to be in force on their promulgation, throughout all the provinces under the immediate government of the preſidency of Fort William.

Law officers of the zillah and city courts to be ſudder aumeens, by virtue of their offices.

II. The Mahomedan and Hindoo law officers of the zillah and city courts of civil judicature ſhall, by virtue of their offices, be deemed ſudder aumeens, or head referees, of the zillah or city, in which they may be reſpectively employed, for the trial, and deciſion in the firſt inſtance, of any ſuits which may be referred to them by the zillah and city judges, within the limitations preſcribed by Section XXVI, Regulation XVI, 1803, and Section IX, Regulation XLIX, 1803.

What proviſions, in exiſting regulations, applicable to the law officers, in their capacity of ſudder aumeen.

III. The whole of the proviſions contained in Section XXVI, Regulation XVI, 1803, and Section IX, Regulation XLIX, 1803, as far as the ſame can be applied to the law officers of the

the zillah and city courts in their capacity of ſudder aumeen, ſhall be held equally applicable to them, as to the head referees deſcribed in thoſe ſections. But, under the proviſion made by the preceding ſection of the preſent regulation, it will not be neceſſary to grant ſunnuds of appointment to the law officers, in their capacity of ſudder aumeen; as directed, with reſpect to the head native commiſſioners appointed under Section XXVI, Regulation XVI, 1803, and Section IX, Regulation XLIX, 1803.

What compenſation to be allowed them, for cauſes decided by, or adjuſted before them.

IV. The law officers of the zillah and city courts, in their capacity of ſudder aumeen, as a compenſation for their trouble, and for the expenſe of ſuch eſtabliſhment as may be neceſſary for the diſcharge of their duty in that capacity, ſhall be entitled to receive the inſtitution fee, paid in all ſuits decided by them upon inveſtigation of the merits, or depending before them when adjuſted by razeenamahs of the parties, in the ſame manner, and under the ſame reſtrictions, as provided with reſpect to other native commiſſioners, by Clauſe Seventh, Section IV, Regulation XLIII, 1803, and by Section XI, Regulation XLIX, 1803.

Sudder Dewanny Adawlut empowered to appoint two or more ſudder aumeens, in addition to the law officers; whenever it may appear expedient.

V. Whenever it may appear expedient, on conſideration of the number of civil cauſes depending in a zillah or city court, that more than one head native commiſſioner ſhould be appointed in ſuch zillah, or city, in addition to the Mahomedan and Hindoo law officers, the court of Sudder Dewanny Adawlut are empowered to authorize the appointment of two or more ſudder aumeens, or head referees, for the trial and deciſion, in the firſt inſtance, of any ſuits which may be referred to them by the zillah or city judge, within the limitations preſcribed by Section XXVI, Regulation XVI, 1803, and Section IX, Regulation XLIX, 1803.

What regulations applicable.

VI. The whole of the proviſions contained in Section XXVI, Regulation

[illegible] the ſudder [illegible] to ap-[illegible]inted.

Regulation XVI, 1803, and Section IX, Regulation XLIX, 1803, as well as thoſe contained in Clauſe Seventh, Section IV, Regulation XLIII, 1803, and Section XI, Regulation XLIX, 1803, ſhall be conſidered applicable to the head native commiſſioners, who may be appointed under the preceding ſections of this regulation.

A. D. 1805. REGULATION XVII.

A REGULATION *for modifying the rules contained in Regulation* VIII, 1793, *reſpecting the management of joint undivided eſtates.*—PASSED *by the Vice Preſident in Council, on the* 24*th October* 1805; *corresponding with the* 9*th Kautick* 1212 *Bengal era; the* 16*th Kautick* 1213 *Fuſſily; the* 9*th Kautick* 1213 *Willaity; the* 2*d Kautick* 1862 *Sumbut; and the* 30*th Rajab* 1220 *Higeree.*

WHEREAS inconvenience has been experienced in providing for the management of joint undivided eſtates, under the rules contained in Sections XXIII, XXIV, and XXV, Regulation VIII, 1793, in conſequence of the reluctance manifeſted generally by the proprietors to elect a manager as preſcribed in thoſe rules: And whereas it appears to be moſt conducive to the convenience of government, and moſt conformable to the wiſhes and ſentiments of the proprietors themſelves, that they ſhould be left to manage their eſtates without any local interference on the part of the officers of government: And whereas any of the joint proprietors of ſuch eſtates may at any time obtain a diviſion and ſeparation of their reſpective ſhares of the lands, whenever they

may

may deem it conducive to their intereſts, to have recourſe to that meaſure; The Vice Preſident in Council has accordingly paſſed the following rules, to be in force from the time of their promulgation in the provinces of Bengal, Behar, and Oriſſa, including Cuttack.

Sections XXIII, XXIV, and XXV, Regulation VIII, 1793, reſcinded; and proprietors of joint undivided eſtates left to manage them as they may think adviſable under the general regulations.

II. Sections XXIII, XXIV, and XXV, Regulation VIII, 1793, are hereby reſcinded; and the proprietors of joint undivided eſtates ſhall in future be left to manage their eſtates in ſuch manner as they may think moſt adviſable, under the general regulations, without any interference on the part of the collector or the Board of Revenue, in the appointment of a manager for the collection of the revenues of the lands from the tenants, farmers, and others.

Eſtates of ſuch proprietors liable to be ſold for arrears as at preſent, and the proprietors jointly and ſeverally reſponſible for the revenue.

III. The eſtates of joint proprietors will of courſe be liable to be ſold, as at preſent, for the recovery of any arrears which may at any time become due therefrom to government, and the proprietors themſelves ſhall be conſidered jointly and ſeverally reſponſible for the payment of the public revenue aſſeſſed upon ſuch eſtates, ſhould it at any time be neceſſary to have recourſe to a ſale of the ſeparate property of any individual ſharers, or to the confinement of their perſons for the recovery of the arrears due from their eſtates to government.

Payments of revenue ſhall be carried to the account of the eſtate at large, and not to the account of any individual proprietor.

IV. The payments of revenue ſhall be carried to the account of the eſtate at large, and not to the account of any individual proprietor.

The guardians of proprietors of joint undivided eſtates who may be diſqualified for the management of their own concerns, ſhall exerciſe the ſame powers as could be exercifed by the proprietors, if qualified.

V. In caſes in which one or more of the proprietors of a joint undivided eſtate may be minors, or may be otherwiſe diſqualified for the management of their own concerns in conſequence of natural defects or infirmities; the guardians of ſuch perſons, whether nominated by the will of their parents, or by the zillah judges under Regulation I, 1800, ſhall ſuperintend the intereſts of ſuch diſqualified

diſqualified perſons, and ſhall exerciſe the ſame powers in the management of the eſtate of their wards as could be exerciſed by the proprietors themſelves, were they qualified for the direction of their own affairs.

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ALTERATIONS,

ALTERATIONS, MODIFICATIONS, EXTENSIONS, RESCISSIONS, &c.

Regulations Altered.				By what Regulation.		
Regulation	*Section.*	*Clause.*		*Regulation.*	*Section.*	*Clause.*
1793						
III	XIV		Limited in its operation	II III		
IV	XXVI		Explained and extended	II	VIII	
VIII	XXIII					
——	XXIV		Rescinded -	XVII	II	
——	XXV					
IX			Extended in part -	XVI		
——	II		Extended - -	XVIII	IV	
X&II			Extended in part -	——		
XXIV			Extended in part -	XII	XXX	
XXVI			Extended in part -	——	XXXI	
XXXI			Extended - -	IV	II	
XXXV	XIV		Extended - -	XII	XIV	
XXXVI			Extended - -	——	XXXII	
XLIX			Explained - -	II	V	
1795						
VII	VIII		Limited in its operation	—— III		
VIII			Explained and extended	II	VIII	
XIV			Explained - -	——	V	
1796						
IV	V		Explained - -	——	XIV	*Second.*
IX			Extended - -	XVI	VI	
1797						
XII	III		Qualified - -	II	XII	
——	IV					
XVI			Extended - -	I	XIII	
1799						
VII	XV		Explained and restricted	II	IV	*First.*
——	——		Explained - -	——	XIII	
——	XX		Limited in its operation	——	IV	*Second.*
1800						
V			Extended - -	IV	II	
——	XIV		Explained and restricted	II	IV	*First.*
——	XIX		Limited in its operation	——	——	*Second.*
1801						
II	III		Rescinded in part -	X	II	
——	IX		Extended - -	II	XI	
——	——		Extended - -	IV	II	
——	X		Rescinded in part -	X	——	

ALTERATIONS, MODIFICATIONS, EXTENSIONS, RECISSIONS, &c.

REGULATIONS ALTERED.				BY WHAT REGULATION.		
Regulation.	*Section.*	*Clause.*		*Regulation*	*Section.*	*Clause.*
1803						
II			Extended in part -	VIII	VI	*First.*
—	VII		Extended - -	VI	XXXVII	
—	XIII		Extended - -	VIII	XII	*First.*
—	XV		Extended - -	VI	XXXVII	
—			Extended - -	—	XLI	
—	XVIII		Limited in its operation	II		
—				III		
—			Partially modified -	VIII	VI	*Second.*
—	XXI		Rescinded - -	—	—	*Fourth.*
—	XXIII		Extended - -	—	XII	*Fourth.*
III			Extended - -	—	XIV	*Seventh.*
—	X		Extended - -	—	VII	*First.*
—	XXI		Extended - -	—	XII	*Third.*
—	XXIII		Explained - -	—	XVII	*Second.*
—	XXV		Modified - -	—	VII	*Second.*
—	XXVI					
—	XXVII		Explained and extended	II	VIII	
IV			Extended - -	VIII	VI	*Fourth.*
—	XII		Qualified - -	II	VIII	*First.*
		Twelfth	Extended - -	—	XII	
V			Extended - -	VIII	XI	
—	X		Qualified - -	II	X	
VII			Modified - -	VIII	XII	
—	XXXI		Rescinded - -	—	XIV	*Second.*
VIII	XXIII		Extended - -	—	—	*Seventh.*
IX					—	*Fifth.*
X						
XI			Extended - -	—	XV	
XII						
—			Extended - -	—	XVI	*Second.*
—	VI		Modified - -	—	—	*First.*
—	IX		Rescinded in part -	—	—	*Third.*
—	XV		Explained - -	II	XIV	*Second.*
—	XIX		Rescinded - -	VIII	XVI	*Fourth.*
XIII						
XIV			Extended - -	—	XVII	*First.*
XV						
—	VI		Extended - -	—	XIV	*Seventh.*
XVI			Extended - -	—	XVII	*First.*
XVII			Extended - -	XV	II	
XVIII						
XIX						
XXI						
XXII			Extended - -	VIII	XVII	*First.*
XXIII						
XXIV						
XXV	I to XXVIII		Extended - -	—	XVIII	*First.*
—	XXIX		Rescinded - -	V	II	
XXVI			Extended - -	VIII	XVII	*First.*
XXVII			Extended with exceptions	—		
—	LIII		Rescinded in part -	—		*Third.*

ALTERATIONS, &c. &c.

Regulations Altered.				By what Regulation.		
Regulation	*Section.*	*Clause*		*Regulation.*	*Section.*	*Clause.*
1803						
XXVII	LIII		Rescinded	V	II	
XXVIII			Extended	VIII	XIX	
—	XXXII		Explained and restricted	II	IV	*First.*
—			Explained	—	XIII	
—	XXXVII		Limited in its operation	—	IV	*Second.*
XXIX						
XXX						
XXXI			Extended	VIII	XX	
XXXII			Extended	—	XXI	
XXXIII			Explained	II	V	
XXXIV			Extended	VIII	XXII	
XXXV			Extended	—	XXIII	*First.*
—	III					
XXXVI		*Third.*	Explained	—	XIV	*Eighth.*
XXXVII		*Fourth.*				
XL		*Fifth.*	Extended	—	XXIV	*First.*
XLI			Extended	—	XXV	
XLII			Extended and modified	—	XXVI	*First.*
XLIII						
XLIV			Extended	—	XXVII	*First.*
XLV						
XLVI			Extended	—	XXVIII	
—	X		Extended	—	—	
XLVII			Extended	XI	II	
XLIX			Extended	VIII	XXIX	*First.*
—			Extended	—	XXXI	
—	XXIV		Extended	—	XXIX	*First.*
—	XXVI		Extended	XV	II	
LII			Extended	II	X	*First.* *Second.*
LIII	III				XI	
—	IV		Extended	VIII	XXIX	*First.*
—		*First.*	Extended	III	II	
—		*Second.*	Modified	—	—	
—	V	*Third.*	Modified	—	III	
—		*Fourth.*	Modified	—	VI	
1804			Extended			
II						
IV						
V				VIII	XIV	*Second.*
VI	XVI		Modified	XIII	II	
XI			Modified	VIII	XV	
—	XLII		Extended	VI	XIV	
—	XLIII		Altered	—	XXXVI	
—	XLIV		Extended			
—	XLV					
—	XLVI					
—	XLVII					
—	XLVIII		Extended	—	XXXVII	
—	XLIX					
—	L					
—	LI					

ALTERATIONS, &c. &c.

REGULATIONS ALTERED.				BY WHAT REGULATION.		
Regulation.	*Section.*	*Clause.*		*Regulation.*	*Section.*	*Clause.*
1805						
II	II		Extended	VII	VI	*First.*
—	III					
—	IV		Extended	—	XIX	
—	V		Extended	—	XXII	
—	VI					
—	VII		Extended	—	VI	*First.*
—	VIII					
—	IX					
—	X		Extended	—	X	
—	XI		Extended	—	VIII	*First.*
—	XII					
—	XIII		Extended	—	XV	
—	XIV					
III.			Extended	—	XIV	*First.*

CONQUERED PROVINCES AND BUNDLECUND.	Regulation	Section	Clause.
Rules for extending to those provinces, such of the regulations and laws established for the ceded provinces in Oude as have not yet been extended, and for reviving and amending the same,	VIII	I	
Regulation I, 1803, extended to those provinces with exception as to the city of Dehli and the territory assigned to His Majesty Shah Allum,	—	II	
Those provinces formed into five zillahs—How to be denominated,	—	III	*First.*
Competent to Government to alter the limits or increase the number of zillahs,	—	—	*Second.*
The city of Dehli and the territory assigned for the support of the Royal Family declared not subject to the regulations,	—	IV	
Courts of justice for the trial of civil suits shall be established in the several zillahs,	—	V	
Regulation II, 1803, with certain modifications extended to those provinces, and also Sections II, III, VI, VII, VIII, and IX, Regulation II, 1805,	—	VI	*First.*
Modification as to the dates prescribed for limiting the cognizance of suits,	—	—	*Second.*
Rules as to the evidence necessary to establish the validity of tummalooks or bonds,	—	—	*Third.*
Section XXI, Regulation II, 1803, rescinded—and appeals to lie in all cases tried by the zillah judges in the first instance,	—	—	*Fourth.*
Limitation of appeals to the provincial courts in suits originally tried by the registers,	—	—	*Fifth.*
In what particular cases the judges decrees on appeals from the decisions of their registers shall be final—exception as to special appeals,	—	—	*Sixth.*
In what cases appeals shall lie against such decrees,	—	—	*Seventh.*
Decisions of the judges on appeals from the decrees of native commissioners to be final under certain rules,	—	—	*Eighth.*

Regulation

CONQUERED PROVINCES AND BUNDLECUND.	*Regulation.*	*Section.*	*Clause.*
Regulation III, 1803, extended to those provinces, with exception,	VIII	VII	*First.*
Limitation of appeals to the Sudder Dewanny Adawlut in cases of resistance of process,	—	—	*Second.*
Regulation IV, 1803, extended to those provinces, as also Sections XI and XII, Regulation II, 1805,	—	VIII	*First.*
Jurisdiction of the Bareilly provincial court extended over certain zillahs,	—	—	*Second.*
Jurisdiction of the Benares provincial court extended over the zillah of Bundlecund,	—	—	
All public authorities connected with that zillah to be guided by the regulations for the ceded and conquered provinces,	—	—	*Fourth.*
Rules to be observed in those provinces,	—	IX	*First.*
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Rules relating to such appeals,	—	—	*Third.*
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A monthly jail delivery to be held in zillah Bereily, - - - - -	—	—	*Third.*
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To

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Applications for ſuch indulgence to be made to him, and to be referred to the Board of Trade for report,	—	III	
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Competent to alter the limits of zillahs in the conquered provinces,	VIII	VII	Second.
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Judges of provincial court of Bareilly to apply to him for leave of abſence,	—	XIV	Seventh.
No ſettlement in the ceded provinces, &c. to be final until ſanctioned by him,	—	XVIII	Third.
Reſerves the power of declaring whether certain grants ſhall be deemed Badſhahee,	—	XXIV	Third.
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No ſettlement in the conquered provinces to be final until ſanctioned by him,	IX	III	
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May aſſeſs lands held rent-free under invalid tenures,	—	—	Third.
Reſerves the option of reſuming allowances in land or money for ſupporting the police,	—	—	Fourth.

Shall

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Report to be made to him as to ſmall grants of rent free lands deemed ſubject to aſſeſſment,	—	—	*Seventh.*
Report to be made to him by the courts, as to the competency of officers to confirm ſuch grants, - - - -	—	XX	
To determine on the amount of revenue to be demanded from reſumed lands, - -	—	XXII	*Second.*
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May alter the boundaries of the zillahs of Midnapore and Cuttack,	XIII	III	
To fix the ſalaries of darogahs in Cuttack,	—	IV	*Fourth.*
To determine whether certain cauſes are cogniſable in the civil courts in Cuttack,	XIV	VII	
May alter the limits of the juriſdiction of the magiſtrate of the jungle mehals,	XVIII	III	*Second.*
May extend the rules for zemindars in charge of the police in the jungle mehals to other mehals. - -	—	VI	
Such zemindars not to be deprived of their charge without his ſanction, - -	—	VII	*Second.*
To approve eſtabliſhments maintained for the police by ſuch zemindars, - - -	—	—	*Third.*
To determine on caſes of forfeiture when ſuch zemindars are convicted of conniving at the aſſembling of choars, - - -	—	—	*Sixteenth.*
Managers of eſtates of diſqualified landholders,			

may

GOVERNOR GENERAL IN COUNCIL.	Regulation.	Section.	Clause.
may be invested with charge of the police under his sanction, - -	XVIII	VII	Twenty-first
May invest the magistrate of the jungle mehals with civil jurisdiction, - -	——	X	
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Rules modifying Sections XXIII, XXIV, and XXV, Regulation VIII, 1793, respecting the management of joint undivided estates, -	XVII	I	
Sections XXIII, XXIV, and XXV, Regulation VIII, 1793, rescinded, and proprietors of such estates left to manage them as they think proper, under the general regulations, - -	——	II	
Estates of such persons liable to be sold as at present, and the proprietors jointly and severally responsible for the revenue, - -	——	III	
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Guardians of disqualified proprietors of joint undivided estates to exercise the same powers as could be exercised by the proprietors themselves, - - - - -	——	V	
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Rules enacted for extending Regulation XXXI, 1793, to Benares, and for exempting from duty articles provided in that province for the Company's investment, - - -	IV	I	
Rules contained in Regulation XXXI, 1793, with the alterations and modifications thereof, contained in Regulations V, 1800, and IX, 1801, extended to Benares, as far as they are applicable, - - -	——	II	
Commercial officers shall take out rowannahs for all goods provided for the Investment—such rowannahs to be granted upon application in writing, free of duties or fees, - -	——	III	

JUNGLE MEHALS.	Regulation.	Section.	Clauſe.
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The diſtricts called jungle mehals placed under a ſeparate magiſtrate,	—	II	
Extent of his local juriſdiction,	—	III	*Firſt.*
Such juriſdiction may be altered, and the office itſelf done away at the pleaſure of government,	—	—	*Second.*
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Zemindars ſhall receive ſunnuds,	—	VII	*Firſt.*
They ſhall not be deprived of ſuch ſunnuds but on proof of miſconduct,	—	—	*Second.*
They ſhall maintain ſuch pykes or other watchmen as may be preſcribed by the magiſtrate, with the approbation of government,	—	—	*Third.*
A liſt of ſuch perſons to be delivered to the magiſtrate, and all changes to be reported to him,	—	—	*Fourth.*
Such perſons to be ſubject to the authority of the magiſtrate, and puniſhable for neglect of duty,	—	—	*Fifth.*
Zemindars ſhall aid and aſſiſt the darogahs where ſuch are appointed,	—	—	*Sixth.*
Zemindars to be furniſhed with copies of the police regulations,	—	—	*Seventh.*
They ſhall ſend perſons apprehended for heinous crimes to the neareſt darogah, or to the magiſtrate or military ſtation within twenty four hours,	—	—	*Eighth.*
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In

	Regulation.	Section.	Clause.
JUNGLE MEHALS.			
In complaints for petty assaults, &c. the zemindars may take razenamehs within twenty-four hours,	XVIII	VII	Tenth.
Description of persons to be apprehended by the zemindars,	—	—	Eleventh.
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Digwars &c. of one zemindar not subject to the orders of another, but to co-operate when called upon,	—	—	Thirteenth
Police officers of one zemindar not to be sent into the limits of another, without an application or the orders of the magistrate—rules respecting the assembling of plunderers or their passing through a zemindarry,	—	—	Fourteenth.
Zemindars and their officers liable to punishment on conviction of connivance or wilful neglect,	—	—	Fifteenth.
How the magistrate is to proceed in such cases,	—	—	Sixteenth.
Zemindars aiding or abetting robberies liable to prosecution, and also the forfeiture of their lands,	—	—	Seventeenth.
They shall give a written engagement to be responsible for property stolen through want of vigilance in their officers,	—	—	Eighteenth.
What reports they are to make to the magistrate,	—	—	Nineteenth.
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The operation of the mints in those provinces to cease—exception as to bullion already deposited for recoinage,	——	III	
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PUBLIC REVENUE ON LANDS.	Regulation.	Section.	Clauſe.
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quently decided in appeal by the provincial court of appeal,	I	II	Second.
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Rules as to appeals in suits decided upon more than three months before the date of this regulation—court may decide on appeals referred to it by the Governor General in Council—may admit special appeals in certain cases—caution to be observed in such cases,	——	III	
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By what officers to be levied,	—	VI	
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Regulation III, 1803, extended to the conquered provinces with exception,	——	VII	*First.*
Limitation of appeals to the Sudder Dewanny Adawlut in cases of resistance of process,	——	——	*Second.*
Provisions for the appointment of assistant judges when necessary in the ceded and conquered provinces—oath to be taken,	——	XII	*First.*
Powers of assistant judges and rules respecting the reference of causes to them,	——	——	*Second.*
Causes to be referred at the discretion of the judge—general rule,	——	——	*Third.*
Assistant judges to try causes in open court—court where to be held—rules as to pleaders, ministerial and law officers,	——	——	*Fourth.*

Rules

ZILLAH AND CITY COURTS.	Regulation.	Section.	Clause.
Rules as to the iſſue and execution of their proceſs—penalty for diſobedience thereto,	VIII	XII	*Fifth.*
Rules to be obſerved by them—in what caſes their decrees to be final,	—	—	*Sixth.*
Rules as to the proceſs of provincial courts in caſes depending before aſſiſtant judges—all communication with provincial courts to be through the zillah judge,	—	—	*Seventh.*
Aſſiſtant judges to be guided by the orders of the Sudder Dewanny Adawlut in matters of practice or form,	—	—	*Eighth.*
Sudder Dewanny Adawlut to report to Government when the appointment or diſcontinuance of aſſiſtant judges may be expedient,	—	—	*Ninth.*
Rules as to the charge of the duties during the temporary abſence of judges where there are aſſiſtant judges,	—	—	*Tenth.*
Rules eſtabliſhing vacations during the Duſſarah and Mohurrum feſtivals,	—	XIII	
Regulations IX, X, XI, and XII, 1803, and Regulation V, 1804, together with Sections XIII, and XIV, Regulation II, 1805, extended to the conquered provinces,	—	XV	
Extenſion of the limitation of ſuits which may be referred for trial to the regiſter,	—	XVI	*Firſt.*
Rules for the trial of cauſes ſo referred,	—	—	*Second.*
Rules contained in Section IX, Regulation XII, 1803, reſcinded, and appeals to lie againſt all deciſions of the regiſters,	—	—	*Third.*
Section XIX, Regulation XII, 1803, reſcinded, and rules preſcribed for appeals from decrees of the Native Commiſſioners,	—	—	*Fourth.*
Judges may at all times recal cauſes referred for trial to the regiſter,	—	—	*Fifth.*
Regulations XIII, XIV, XV, XVI, XVII, XVIII, XIX, XXI, XXII, XXIII, and XXIV, 1803, extended to the conquered Provinces,	—	XVII	*Firſt.*
Judges may authorize their regiſters and aſſiſtants to ſign and iſſue all proceſs not ſpecially required to be ſigned by themſelves,	—	—	*Second.*

May

ZILLAH AND CITY COURTS.	*Regulation*	*Section.*	*Clauſe.*
May employ thoſe officers or any of their principal native officers in taking depoſitions under certain proviſions, - -	VIII	XVII	*Third.*
May authorize their regiſters to employ their aſſiſtants or principal native officers in the ſame manner, - - -	—	—	*Fourth.*
Rules for the appointment of the Mahomedan and Hindoo law officers to be commiſſioners for the trial of referred cauſes, and for making further proviſions for the appointment of head native commiſſioners, - -	XV	I	
The Mahomedan and Hindoo law officers to be ſudder ameens ex officio, -	—	II	
What rules are applicable to them in that capacity, - - -	—	III	
What compenſation to be allowed to them, -	—	IV	
Sudder Dewanny Adawlut may authorize the appointment of other ſudder aumeens when neceſſary, - - -	—	V	
What rules applicable to ſuch ſudder aumeens, See Cuttack	—	VI	

TITLES OF THE REGULATIONS

Passed in the Year

1806.

REGULATION

I.

A REGULATION *for abolishing the jurisdiction of zillah Moorshedabad, and annexing the mehals composing it, to the jurisdictions of the city of Moorshedabad and zillah Beerbhoom; for altering the jurisdiction of the courts of circuit, and provincial courts of appeal, of the divisions of Calcutta, and Moorshedabad; for fixing the order of holding the half yearly jail deliveries in those divisions, and in the divisions of Benares, and Bareilly, for rescinding such parts of the existing Regulations as restrict the senior judges of the courts of circuit from proceeding upon the circuit in their respective divisions; and for extending the authority of the courts of Nizamut Adawlut, and Sudder Dewanny Adawlut, in certain cases. Passed on the 27th of March*, 1806.

II.

A REGULATION *for explaining and amending in certain cases, the rules of process to be observed by the civil courts of judicature. Passed on the 27th of March*, 1806.

III.

III.

A REGULATION *for defining the weight and standard of the silver coin, established in the ceded and conquered provinces, by Regulation* XLV, 1803, *and Regulation* XI, 1805; *and the weights of the copper coin established in the said provinces by the Regulations abovementioned; also for fixing a table of rates for regulating the receipt and payment of rupees of different descriptions, during the periods prescribed by Regulation* XLV, 1803, *for the receipt and payment of rupees not being the rupees declared by that Regulation, and by Regulation* XI, 1805, *to be the established and legal silver coin within the ceded and conquered provinces. Passed on the 27th of March,* 1806.

IV.

A REGULATION *for levying a tax from pilgrims resorting to the temple of Jugunnauth, and for the superintendence and management of the temple. Passed on the 3d of April,* 1806.

V.

A REGULATION *for preventing persons from evading payment of the tax established by Regulation* IV, 1806. *Passed on the 17th of April,* 1806.

VI.

A REGULATION *for the more effectual repair of embankments. Passed on the 17th of April,* 1806.

VII.

A REGULATION *for re-establishing a court of civil judicature in the vicinity of Calcutta; and for defining its jurisdiction. Passed on the 26th of April,* 1806.

VIII.

A REGULATION *to amend the existing rules for receiving complaints*

plaints in the city, and zillah civil courts, against collectors of the land revenue and customs, commercial residents, and other European public officers declared amenable to those courts, for acts done in their official capacity, in opposition to any published regulation; and to make further provision for a special enquiry, in certain cases of charge, or information, against any such officers. Passed on the 12th of May, 1806.

IX.

A REGULATION *for giving further effect to the rules passed in Government on the 4th July 1801, for providing more effectually against the illicit manufacture, importation, transportation, and sale of salt.—Passed on the 5th of June 1806.*

X.

A REGULATION *for extending to the judicial department, such parts of Regulation* VIII, *1806, as are applicable to charges, or information, against the European public officers employed in that department; and for making further provision in such cases.—Passed on the 19th of June 1806.*

XI.

A REGULATION *for facilitating the progress of detachments of troops, through the Company's territories; for affording any requisite assistance to persons travelling through those territories; and for extending the rules contained in Sections* LXVIII, *and* LXXII, *Regulation* XXII, *1795, in Clauses Fifth, and Sixth, Section* XIV, *Regulation* VIII, *1805, and in Section* XXXI, *of that regulation, to the whole of the Company's provinces, subject to the immediate government of the presidency of Fort William; for the guidance of the civil officers in applying for guards from the regular battalions; and for modifying the rule contained in Clause First, Section* XII, *Regulation* I, *1804.—Passed on the 3d of July 1806.*

XII.

A REGULATION *for annexing the pergunnahs of Sonk, Sonsa, and Sahar, situated on the right bank of the river Jumna, to the jurisdiction of the zillah of Agra, and for extending to those pergunnahs, the laws and regulations established for the internal Government of the ceded and conquered provinces.—Passed on the* 3*d of July* 1806.

XIII.

A REGULATION *for more effectually providing against the offence of forging the public stamps, or stampt paper; and for preventing the sale of stampt paper without a written authority; also for explaining the existing rule respecting copies of judicial and revenue papers.—Passed on the* 10*th of July* 1806.

XIV.

A REGULATION *for abolishing the court of dewanny adawlut of the zillah of the northern division of Saharunpore; and for incorporating the jurisdiction of that court, with the civil jurisdiction of the court established in the southern division of Saharunpore.—Passed on the* 23*d of July* 1806.

XV.

A REGULATION *for the amendment of certain parts of the provisions contained in Clauses Second and Third, Section* II, *Regulation* II, 1796; *and Clauses Second and Third, Section* XIX, *Regulation* VI, 1803; *and of the rule contained in Section* VII, *Regulation* V, 1799.—*Passed on the* 24*th of July* 1806.

XVI.

A REGULATION *for defining the form of address to be observed by the public officers of Government in making applications to the members of the family of His Highness the Nuwaub Nauzim-ul-Moolk, the Nazim of Bengal.—Passed on the* 4*th of September* 1806.

XVII.

XVII.

A REGULATION *for extending to the province of Benares, the rates of interest on future loans, and provisions relative thereto, contained in Regulation* XV, 1793; *also for a general extension of the period fixed by Regulations* I, 1793, *and* XXXIV, 1803, *for the redemption of mortgages and conditional sales of land, under the deeds of bye-bilwufa, Kut-Cubaleh, or other similar designation.*—*Passed on the* 11*th of September* 1806.

XVIII.

A REGULATION *for collecting a toll on boats passing through the eastern canal, which connects the river Hooghly with the Sunderbunds, and through the canals, commonly called the Banka Nullah, the Koonjpore Kaal, the Gowab Kaal, and the Narrainpore Kaal.*—*Passed on the* 16*th of October* 1806.

XIX.

A REGULATION *for modifying the rules, under which as established by Regulation* XI, 1800, *and Regulation* V, 1802, *a duty of three and a half per cent is at present levied on brandy, gin, rum, and other spirits on importation by sea; for subjecting spirits of all kinds, (Batavia arrack, and arrack imported into Calcutta from Bencoolen excepted,) to the assessment of that duty, at a fixed valuation per pipe, on being imported by sea at the port of Calcutta, or at any of the foreign settlements, on the river Hooghly; and for amending the rule contained in Clause Sixteenth, Section* V, *Regulation* XXXIX, 1793, *respecting the deduction to be allowed for leakage of liquors imported in casks.*—*Passed on the* 16*th of October* 1806.

XX.

A REGULATION *for modifying the existing rules respecting the establishment of shops for the manufacture and sale of spirituous liquors in the vicinity of the military cantonments, at*

which

A. D. 1806. REGULATION I.

A REGULATION *for abolishing the jurisdiction of zillah Moorshedabad, and annexing the mehals composing it to the jurisdictions of the city of Moorshedabad, and zillah Beerbhoom; for altering the jurisdiction of the courts of circuit and provincial courts of appeal of the divisions of Calcutta and Moorshedabad; for fixing the order of holding the half yearly jail deliveries in those divisions, and in the divisions of Benares and Bareilly; for rescinding such parts of the existing regulations as restrict the senior judges of the courts of circuit from proceeding upon the circuit in their respective divisions; and for extending the authority of the courts of Nizamut Adawlut and Sudder Dewanny Adawlut in certain cases.*—PASSED *by the Governor General in Council, on the 27th of March* 1806; *corresponding with the* 15*th Chyte* 1212 *Bengal era; the* 23*d Chyte* 1213 *Fussily; the* 15*th Chyte* 1213 *Willaity; the* 7*th Chyte* 1863 *Sumbut; and the* 6*th Mohurrum* 1221 *Hegiree.*

WHEREAS

WHEREAS it has been deemed advisable to abolish the jurisdiction of the zillah of Moorshedabad, and to annex the mehals composing the same, partly to the jurisdiction of the city of Moorshedabad, and partly to the jurisdiction of the zillah of Beerbhoom: And whereas it has been judged expedient to separate the zillah of Beerbhoom from the jurisdiction of the court of circuit and provincial court of appeal for the division of Calcutta, and to annex that zillah to the jurisdiction of the court of circuit and provincial court of appeal for the division of Moorshedabad: And whereas the alterations made in the jurisdiction of the courts of circuit for the divisions of Calcutta, Moorshedabad, Benares, and Bareilly, require that further provision should be made for a fixed order of succession in holding the half yearly jail deliveries of those divisions respectively: And whereas it is requisite for the public service that such parts of the regulations now in force, as restrict the senior judges of the courts of circuit from being employed in holding the jail deliveries within their respective divisions, should be rescinded: And whereas it will further promote the due administration of criminal and civil justice, that the court of Nizamut Adawlut be empowered to dispense with the session of the court of circuit in certain cases, at particular stations, and that the court of Sudder Dewanny Adawlut be authorized to dispense with the rule for periodical vacations of the civil courts in any instance wherein it may appear expedient; the following rules have been accordingly enacted, to be in force from the date of their promulgation, throughout the whole of the provinces under the immediate Government of the Presidency of Fort William.

Such parts of Regulations III, V, and IX, 1793, as constitute the zillah of Moorshedabad a distinct jurisdiction, are rescinded; and that zillah is abolished; the mehals composing it to be annexed to the city of Moorshedabad.

II. Such parts of Regulations III, V, and IX, 1793, and of any other regulation now in force, as constitute the zillah of Moorshedabad a distinct and separate jurisdiction, are rescinded. The zillah of Moorshedabad is hereby abolished; and the mehals composing it shall be annexed to the jurisdictions of the judge and magistrate of the city of Moorshedabad, and of the judge and magistrate

magiſtrate of zillah Beerbhoom, as the Governor General in Council may direct.

bad and zillah of Beerbhoom, as may be directed by government.

III. Such parts of Regulations V, and IX, 1793, and of any other regulation now in force, as declare the zillah of Beerbhoom ſubject to the juriſdiction of the court of circuit and provincial court of appeal for the diviſion of Calcutta, are hereby reſcinded. The ſaid zillah ſhall hereafter be ſubject to the juriſdiction of the court of circuit, and provincial court of appeal, for the diviſion of Moorſhedabad.

Such parts of Regulations V, and IX, 1793, as make the zillah of Beerbhoom ſubject to the juriſdiction of the Calcutta court of appeal and circuit, are reſcinded. The ſaid zillah to belong to the juri diction of the Moorſhedabad court of appeal and circuit.

IV. The zillah of Cuttack, the ſettlements of Chinſurah and Chandernagore, and the jungle Mehals, having been annexed to the juriſdiction of the court of circuit for the diviſion of Calcutta, under Regulation IV, 1804, and Regulations XVI, and XVIII, 1805; and the zillah of Beerbhoom having been ſeparated from the diviſion of Calcutta, and annexed to that of Moorſhedabad, under Section III of this regulation, the following order of ſucceſſion is eſtabliſhed for holding the half yearly jail deliveries, within the diviſions of Calcutta and Moorſhedabad; inſtead of that preſcribed by Section VI, Regulation III, 1798, and Section VII, Regulation II, 1804.

New order of ſucceſſion fixed for holding the jail deliveries in the diviſions of the courts of circuit of Calcutta and Moorſhedabad.

DIVISION OF CALCUTTA.

1 Burdwan,
2 Jungle Mehals,
3 Midnapore.
4 Cuttack,
5 Jeſſore,
6 Nuddea,
7 Hooghly,
8 Chinſurah and Chandernagore.

DIVISION OF MOORSHEDABAD.

1 Bhaugulpore,
2 Purnea,
3 Dinagepore,
4 Rungpore,
5 Rajeſhahye,
6 Beerbhoom.

Order of ſucceſſion fixed for the jail deliveries in the diviſions of Benares and Bareilly.

V. The following order of ſucceſſion is alſo fixed for the half yearly jail deliveries of the diviſion of Benares, in conſequence of the annexations made to that diviſion by Regulations VIII and IX, 1804; and for the half yearly jail deliveries of the diviſion of Bareilly, as conſtituted by Regulation IX, 1804, and Regulation VIII, 1805.

DIVISION OF BENARES.

1 Mirzapore,
2 Allahabad,
3 Bundlecund,
4 Juanpore,
5 Goruckpore.

DIVISION OF BAREILLY.

1 Cawnpore,
2 Furruckabad,
3 Etawah,
4 Agra,
5 Allyghur,
6 South diviſion of Saharunpore,
7 North diviſion of ditto,
8 Moradabad.

The power veſted in the court of Nizamut Adawlut by Section VI, Regulation III, 1798, to authorize deviations from the fixed order of ſucceſſion for the jail deliveries, and the diſcretion

VI. The power veſted in the court of Nizamut Adawlut, by Section VI, Regulation III, 1798, to authorize occaſional deviations from the order of ſucceſſion for the jail deliveries fixed by that regulation, when any particular circumſtances may render ſuch deviations neceſſary, as well as the diſcretion given to the Nizamut

Nizamut Adawlut, with the ſanction of the Governor General in Council, by Section VIII, Regulation II, 1804, to allow any ſpecial deviation which may appear expedient, from the rules preſcribed in that regulation, for the periods of holding the jail deliveries thereby provided for, are extended, and declared applicable, to the jail deliveries for which proviſion is made by the preſent regulation; and generally, to the whole of the jail deliveries directed to be held under the regulations, whether monthly, quarterly, or half yearly.

given by Section VIII, Regulation II, 1804, to allow any ſpecial deviation in the periods of holding the jail deliveries fixed by that regulation; and generally, to all the jail deliveries whether monthly, quarterly, or half yearly, declared to extend, and be applicable to the jail deliveries, for which proviſion is made by this regulation.

VII. It ſhall be further competent to the court of Nizamut Adawlut, on information in any particular inſtance, that no perſon has been committed by a zillah or city magiſtrate, for trial before the court of circuit, at the period for holding the jail delivery of ſuch zillah or city, to poſtpone the ſeſſion of the court of circuit for ſuch zillah or city, till the period fixed by the regulations for the next enſuing jail delivery. And in like manner, whenever the number of perſons committed, or held to bail for trial before the court of circuit, at any particular ſtation ſhall be inconſiderable, and the concluſion of the circuit may be materially expedited by bringing ſuch perſons to trial at another contiguous ſtation; or generally, when any ſpecial cauſe ſhall appear to render it expedient that the perſons committed, or held to bail, by any particular magiſtrate, ſhould be brought to trial at the ſeſſion of the court of circuit held in the adjacent juriſdiction of another magiſtrate, it ſhall be competent to the Nizamut Adawlut, or to the Governor General in Council, to authorize and direct, that the perſons committed, or held to bail, in ſuch inſtances, be brought to trial before the court of circuit at the ſtation which may appear to be moſt convenient. In ſuch caſes the proceedings of the magiſtrate by whom the priſoners may have been committed, or held to bail, ſhall be tranſmitted with the priſoners to the magiſtrate of the juriſdiction in which the ſeſſion of the court of circuit may be held; and the latter magiſtrate ſhall perform the duties preſcribed by the regulations, in

Nizamut Adawlut declared competent to order the ſeſſion of the courts of circuit to be poſtponed till the next circuit for any zillah or city in which no commitments may have been made;

or, whenever the number of perſons committed or held to bail may be inconſiderable, the Nizamut Adawlut and Governor General in Council are declared competent to order the priſoners ſo committed to be brought to any contiguous ſtation which may appear convenient for trial, for the purpoſe of expediting the buſineſs of the circuit.

In ſuch caſes the proceedings of the magiſtrate on the commitments are to be forwarded to the magiſtrate of the zillah in which the ſeſſion of the court of circuit may be held; and ſuch magiſtrate is to perform the duties pre-

scribed by the regulations in bringing such prisoners before the court of circuit, and to obey all orders issued by the court.

in bringing the prisoners, and proceedings, before the court of circuit, as well as in executing any orders of that court which the judge may deem it proper to direct to him in preference to the magistrate by whom the prisoners shall have been committed, or held to bail.

Senior judges of the provincial courts to proceed in rotation on the circuit;

VIII. Such parts of Regulation III, 1797, and of Regulation VII, 1803, and of any other regulation now in force, as require that the senior judges of the courts of circuit and appeal shall always remain at the sudder station, are hereby rescinded. The senior judge of each division shall in future proceed in rotation on the circuit for the purpose of holding the half yearly jail deliveries at the several stations, within the jurisdiction of the court to which he is attached, in common with the other judges of that court, unless he shall be prevented by indisposition or other substantial cause, when the Governor General in Council, on receiving the necessary information on the subject through the Nizamut Adawlut, will order one of the other judges to proceed on the circuit, or will make such other provision for the discharge of that duty, as may appear to be most expedient. In like manner, the monthly jail deliveries of the cities of Dacca, Moorshedabad, Patna and Benares, and of the zillah of Bareilly, and the quarterly jail deliveries of the zillahs of Dacca Jellalpore and the twenty four Pergunnahs, shall be holden successively by the different judges including the senior judge, who may be present at the sudder station; unless the judge, whose turn it may be under this rule to hold the sessions, shall be prevented from the performance of that duty by indisposition or other cause, in which case it shall be competent for the Nizamut Adawlut to order the sessions to be holden by the other judge who may be present at the sudder station; or, if more than two judges shall be at the sudder station, by whichever of those judges the Nizamut Adawlut may think proper to direct.

And to hold in succession, the monthly and quarterly jail deliveries.

In the absence of the senior judge,

IX. During the absence of the senior judge upon the circuit, the

the judge next in rank, who ſhall be preſent at the ſudder ſtation, or if one judge only be preſent, ſuch officiating judge ſhall exerciſe the ſame powers as are veſted in the ſenior judge, and ſhall execute the ſame duties for the diſpatch of buſineſs, as are directed to be performed in ſimilar caſes by the ſenior judge, under the reſtrictions contained in the regulations in force.

the judge next in rank preſent, or if only one judge be preſent, ſuch officiating judge ſhall exerciſe the ſame powers as are veſted in the ſenior judge, under the reſtrictions contained in the regulations.

X. The court of Sudder Dewanny Adawlut are empowered to authorize and direct an occaſional diſpenſation with the rule for periodical vacations of the provincial, zillah, and city courts, contained in Section II, Regulation III, 1798, and Section XIII, Regulation VIII, 1805, in the inſtance of any particular court, wherein, from the arrear of buſineſs, or other cauſe, it may appear expedient that the vacations thereby provided for, or either of them, ſhould not take place.

The court of Sudder Dewanny Adawlut are empowered to direct an occaſional diſpenſation with the rule for periodical vacations of the civil courts fixed by the regulations when it may appear expedient for any of the reaſons herein ſpecified.

A. D. 1806. REGULATION II.

A REGULATION *for explaining and amending in certain caſes, the rules of proceſs to be obſerved by the civil courts of judicature.*—PASSED *by the Governor General in Council, on the 27th of March* 1806; *correſponding with the* 15*th Chyte* 1212 *Bengal era; the* 23*d Chyte* 1213 *Fuſſily; the* 15*th Chyte* 1213 *Willaity; the* 7*th Chyte* 1863 *Sumbut; and the* 6*th Mohurrum* 1221 *Hegirce.*

BY the regulations in force for the guidance of the zillah and city courts, one uniform proceſs is preſcribed for cauſing the appearance of all defendants in civil ſuits, not being Hindoo or Mahomedan women of rank or quality, ſuch as according to the cuſtom of the country, would render it improper to compel them to appear in an open court of juſtice; and not coming within the deſcription of perſons excepted from the general rule, by Section X, Regulation VIII, 1795; Section II, Regulation LV, 1795; and other ſpecial clauſes. The original proceſs ſo preſcribed, is a ſummon on the defendant, requiring him to accompany the officer deputed to ſerve it; or to deliver ſufficient

ſufficient ſecurity to appear in perſon or by vakeel, and anſwer to the complaint againſt him on a day appointed. In the event of the defendant's being found, and his not giving the required ſecurity, the officer charged with the ſummons is to take his perſon into cuſtody, and bring him before the court; which is empowered to commit him to cloſe cuſtody until he ſhall give the requiſite ſecurity, or perform the decree which may be paſſed upon the complaint againſt him. For the relief of defendants in caſes of undue or exaggerated demands, the judges of the zillah and city courts were authorized by Section II, Regulation III, 1802, (correſponding with Section VIII, Regulation XIV, 1803, for the ceded provinces,) to fix the extent of the ſecurity to be required for the appearance of the defendant; with directions, whatever may be the claim of the plaintiff, to demand from the defendant ſuch ſecurity only, as may appear neceſſary to ſecure his appearance during the trial of the ſuit. But, except in petty cauſes, for money or property not exceeding in amount or value the ſum of ten ſicca rupees, (in which the native commiſſioners are reſtricted by Section IX, Regulation XVI, 1803, and Section XVII, Regulation XLIX, 1803, from requiring ſecurity, unleſs they ſhall receive certain information that the defendant is about to abſcond,) the civil courts of judicature are not empowered to diſpenſe with the requiſition of bail, from defendants in any caſe not ſpecially provided for by the regulations; although in many inſtances the ſmall amount of the claim and the known property and reſponſibility of the defendant, render the demand of ſecurity unneceſſary and vexatious. On the other hand with an exception to the power veſted in the native commiſſioners, of attaching the perſonal property, (inſtead of confining the perſon) of any defendant who may not give the ſecurity required for his appearance, the civil courts are not authorized to attach the property of any defendant, until a judgment be given againſt him; even when the defendant againſt whom a ſummon may iſſue, ſhall abſcond, or ſhut himſelf up in any building, or retire to any place ſo that the proceſs cannot

be

be ſerved upon him; an *exparte* trial and deciſion only being provided for ſuch caſes, after proclamation in the court, and at the defendant's place of reſidence. A diſhoneſt debtor therefore by concealing himſelf and diſpoſing of his property, is enabled to defraud his creditor and to defeat the ends of juſtice, at the ſame time a ſtrict application of the exiſting rule of final proceſs in execution of decrees (whereby the civil courts are directed to levy the amount adjudged, by the public ſale of a ſufficient portion, or if requiſite, of the whole of the lands, houſes, and effects belonging to the party againſt whom the judgment is given, or if neceſſary, both by the ſale of his property and attachment of his perſon, without any diſcretion to grant relief from perſonal attachment in caſes of inſolvency,) enables rigorous creditors to exerciſe undue ſeverity towards their debtors, by keeping them in confinement (at a ſmall charge for their ſubſiſtence) when they have no means of diſcharging the amount demandable from them. And doubts have been entertained whether the terms of the exiſting rules admit of any indulgence of time being allowed by the courts for the ſatisfaction of a final judgment without the expreſs conſent of the party in whoſe favor ſuch judgment is paſſed. Alſo, whether the amount paid for the ſubſiſtence of perſons confined in execution of decrees of the civil courts is to be repaid by the party confined on his releaſe. To explain and amend therefore the exiſting rules of proceſs, in the ſeveral inſtances abovementioned; in ſuch manner as appears requiſite, expedient, and conducive to juſtice; the Governor General in Council has enacted the following rules, to be in force from the time of their promulgation throughout all the provinces under the immediate government of the Preſidency of Fort William.

The general firſt proceſs to be iſſued by the civil courts inſtead of the ſummons and requiſition of ſecurity preſcribed by Section V, Regulation IV, 1793, and Section V, Regula-

II. *Firſt.* Upon the inſtitution of a civil ſuit in the mode preſcribed by the regulations, in any zillah or city court, the general firſt proceſs againſt the defendant, inſtead of the ſummons and requiſition of ſecurity for appearance preſcribed by Section V, Regulation IV, 1793, and Section V, Regulation III, 1803, ſhall

tion V, 1803, shall be a notice only. What the notice shall contain.

shall be a notice only containing a short statement of the demand, with a requisition to attend in person or by vakeel, and to deliver an answer to the plaint, on or before a certain day, to be specified in the notice.

How the notice is to be served if the defendant have an accredited agent residing at the place where the court is held, to receive such notices or other judicial processes.

Second. If the defendant have an accredited agent at the place where the court is held, expressly empowered, either by a clause in his general moktarnamah, or by a separate moktarnamah granted for that purpose, to receive on behalf of his constituent notices or other judicial processes, which may not be specially ordered to be served personally, by an officer of the court; the notice to be issued under the preceding clause, shall be tendered to such agent, to be communicated by him to his principal; and the agent's acknowledgment, to be endorsed upon it, shall be accepted as a sufficient service of it; if he be desirous of giving such acknowledgment in preference to the notice being served on the person of his principal by an officer of the court.

Notice to be tendered to such agent, and his acknowledgment to be endorsed on it, shall be accepted as a sufficient service of it.

How the notice is in other cases to be served.

Third. If the defendant shall not have an accredited agent at the place, where the court is held, or if he shall not have expressly authorized his agent to receive notices of the above description; or if such agent shall decline receiving the notice for communication to his constituent, and the defendant be resident within the jurisdiction of the court; it shall be served on him through the nazir of the court, by a single chuprassy or peon; who shall require only the acknowledgment of the defendant to be endorsed upon it, or if he be absent from his usual place of residence, the acknowledgment of his principal agent; or of any person acting for him during his absence. If the defendant be resident within the jurisdiction of any other zillah or city court than that in which the suit may have been instituted; the notice shall be transmitted to the judge of the zillah or city, in which the defendant may reside, to be served in the manner above directed. If the defendant be neither resident within the jurisdiction of the zillah or city court in which the suit may be instituted.

To be served by a single peon or chuprassy who shall require only the endorsement of its receipt by the defendant, or, if he be absent, the acknowledgment of his principal agent or person acting for him.

How the notice is to be served if the defendant be resident in another jurisdiction;

Or, if the defendant be neither within such jurisdiction nor

inſtituted or of any other zillah or city court; and the ſuit ſhall notwithſtanding be cognizable; either in claims to landed or other immovable property, from the property claimed being ſituated within the juriſdiction of the court; or in other caſes from the cauſe of action having ariſen within its juriſdiction; the notice, if the ſuit be for land or other immovable property, ſhall be ſerved upon the defendant's agent or repreſentative in charge of ſuch property; and in other ſuits, the judge ſhall cauſe notice of the claim to be conveyed to the defendant, in ſuch manner as may appear moſt certain and convenient according to the circumſtances of the caſe.

within that of any other zillah or city court, and the ſuit be cognizable notwithſtanding, from the property if immovable being ſituated in ſuch juriſdiction, or from the cauſe of action having ariſen therein; in the former caſe, the notice to be ſerved upon the agent in charge of ſuch property; and in the latter, in ſuch manner as the judge may deem moſt certain and convenient.

Fourth. The notices iſſued under the preceding clauſes of this ſection to weavers or others employed in the proviſion of the Company's inveſtment, and to molungees and others employed in the manufacture of ſalt, ſhall be ſerved in the manner directed by the exiſting regulations with reſpect to the ſervice of ſummonſes upon perſons ſo employed, when ſued as defendants in the civil courts.

Notices iſſued to weavers, molungees, and others employed in the proviſion of the Company's inveſtment and the manufacture of ſalt to be ſerved in the ſame manner as ſummonſes to ſuch perſons under the exiſting regulations.

III. If a defendant to whom a notice may have been iſſued, as directed in the preceding ſection, ſhall abſcond or is not after diligent ſearch to be found; or ſhall ſhut himſelf up in any houſe or building, or retire to any place, ſo that the notice cannot be ſerved upon him, the judge (or the regiſter in cauſes referred to him,) on receiving the nazir's return to this effect ſhall iſſue a proclamation, as directed in ſimilar caſes, when a ſummons cannot be ſerved upon a defendant, by Section XI, Regulation IV, 1793, and Section XIII, Regulation III, 1803. If the defendant ſhall not appear in perſon or by vakeel, by the time limited in ſuch proclamation, or if a defendant, who may have been ſerved with a notice, as directed in the preceding ſection, ſhall not appear in perſon or by vakeel, within the time ſpecified; or if, having appeared, he ſhall refuſe to anſwer the plaint, or make other default; the court, as provided in the ſections

Court how to proceed againſt a defendant to whom a notice may have been iſſued, who ſhall abſcond, or cannot be found, or acts ſo that the notice cannot be ſerved on him.

Proclamation to be iſſued, and what it ſhall contain.

Caſes in which the court is to proceed *exparte* on the allegations and evidence of the plaintiff only.

tions abovementioned, ſhall proceed to try the cauſe *exparte*; and after examining the plaintiff's evidence in ſupport of his claim, ſhall give judgment, in the ſame manner as if the defendant had appeared, anſwered, and entered into proof.

Defendant after receiving the notice and attending in perſon or by vakeel, to be allowed to defend the ſuit to its termination, without being called upon for ſecurity, unleſs it appear to the court requiſite.

IV. If a defendant, after receiving the notice preſcribed in Section II, ſhall attend in perſon or by vakeel, and deliver his anſwer to the plaint, and no reaſon ſhall ſubſequently appear to the court for requiring ſecurity for his appearance, during the trial of the ſuit; he ſhall be allowed to defend the cauſe, to its determination, without being called upon for ſuch ſecurity. But if the judge (or regiſter) ſhall be ſatisfied, by ſufficient proof, that there is reaſon to believe the defendant intends to abſcond, and withdraw himſelf from the juriſdiction of the court, he may either on the inſtitution of the ſuit, or at any time whilſt the ſuit is depending in the zillah or city court, iſſue proceſs againſt the defendant requiring him to give ſecurity for his appearance, as preſcribed on the iſſue of ſummonſes, by Section V, Regulation IV, 1793, and Section V, Regulation III, 1803; under penalty of being committed to cloſe cuſtody until ſuch ſecurity be given, or the decree of the court be complied with; as provided in the abovementioned ſections, or until an attachment of property ſhall have taken place, to ſecure the execution of the ultimate judgment in the cauſe, under the proviſion made by the following ſection of this regulation. The ſecurity bond, to be executed in ſuch inſtances, ſhall in ſubſtance correſpond with that preſcribed by Section III, Regulation XI, 1797, and Section XXIX, Regulation III, 1803; and in fixing the extent of the ſecurity to be required, the judge (or regiſter) is authorized to exerciſe the diſcretion veſted in him by Section II, Regulation III, 1802; and Section VIII, Regulation XIV, 1803.

How the court is to proceed if it appear on ſufficient evidence that the defendant intends to abſcond.

Proceſs to be iſſued in ſuch caſes requiring ſecurity under ſpecific penalties.

Security bond to correſpond with that preſcribed in the regulations herein quoted; and in fixing the extent of the ſecurity the judge or regiſter is authorized to exerciſe the diſcretion allowed under the regulations herein ſpecified.

Maximum ſecurity to be required in caſes wherein it may appear to the judge or regiſter on ſufficient

V. *Firſt.* In any caſe if the judge (or the regiſter in cauſes referred to him) be ſatisfied by ſufficient proof, that there is ground to apprehend the defendant means to diſpoſe of the property in

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his poſſeſſion by any private transfer; or to cauſe the public ſale of any diſputed land, by withholding the aſſeſſment upon it; or to remove any perſonal property from the juriſdiction of the court, whilſt the ſuit againſt him is depending; for the purpoſe of avoiding the execution of an eventual judgment againſt him, the judge (or regiſter) is authorized to call upon the defendant for malzaminy ſecurity, in ſuch ſum as may appear ſufficient to make good the ultimate judgment of the court; and in the event of ſuch ſecurity not being given (within a reaſonable time to be allowed for that purpoſe) to cauſe the attachment of any land, effects, or other property belonging to, or poſſeſſed by, the defendant, to the amount or value of the cauſe of action in the ſuit depending; or the attachment of which may be deemed neceſſary to ſecure the execution of the judgment to be paſſed in the cauſe.

proof that the defendant means to diſpoſe of the property or land in diſpute, by private transfer or public ſale; or in any of the modes herein ſpecified.

If the ſecurity be not furniſhed within a reaſonable time, any land, property or effects in the poſſeſſion of the defendant, to the amount or value of the cauſe of action, to be attached.

Second. The attachment in ſuch caſes ſhall be made by a written order of the court, to be read and proclaimed upon the ſpot, and to be affixed in ſome conſpicuous ſituation at the place where the property is ſituated; after which any private alienation of the property ſequeſtered, whether by ſale, gift, or otherwiſe, during the continuance of the attachment, ſhall be deemed illegal and void; and any unauthorized removal of the property ſo attached, during ſuch period, with a view to oppoſe or evade the ſequeſtration, ſhall be puniſhable, on proof, as an act of reſiſtance to the proceſs of the court; according to the proviſions in force concerning reſiſtance to the proceſs of the civil courts. In ſuits for landed property of conſiderable value, wherein it may appear neceſſary, for the purpoſes of juſtice, to diveſt the defendant from the management of the land until the ſuit be decided, or malzaminy ſecurity be given, the attachment ſhall be made through the collector of the diſtrict in which the land is ſituated; as preſcribed by Section VI, Regulation V, 1798, and by Clauſe Ninth of Section XII, Regulation IV, 1803, in appealed caſes, wherein neither the appellant nor reſpondent may be able to give ſecurity for ſtaying execution of the decree. But in other caſes the attachments, which

How the attachment in ſuch caſes to be made; after which any private alienation of the property in diſpute by ſale, gift, or otherwiſe declared to be illegal and void.

Any unauthoriſed removal of the property attached to be puniſhed on proof as a reſiſtance of the proceſs of the court, in the manner directed by the exiſting regulations.

Attachment in the mode directed by the regulations herein quoted to be made through the collectory in ſuits for landed property of conſiderable value if neceſſary until the ſuit be decided or malzaminy ſecurity be given.

In all other caſes the attach-

ments made under this rule, ſhall not without ſpecial cauſe, remove the defendant or his repreſentative from the poſſeſſion and management of the lands attached. Nor preclude any act of the defendant or his repreſentative conſiſtent with the object of the attachment.

which may be ordered under the preſent rule, ſhall not, without ſpecial cauſe, to be recorded on the proceedings of the court, remove the defendant or his repreſentative from the poſſeſſion and management of the land, or other property attached, until a deciſion be paſſed in the cauſe before the zillah or city court; nor be underſtood to preclude any act of the defendant or his repreſentative relative to ſuch property, which may be conſiſtent with the object of the attachment.

How the judge or regiſter is to proceed with regard to the property attached, after the deciſion of the ſuit.

Third. Upon the deciſion of the ſuit, the judge (or regiſter) ſhall paſs ſuch further order relative to the property attached as may be juſt and conformable with the judgment given in the cauſe. If the decree be againſt the defendant, all right and intereſt poſſeſſed by him in the property attached (ſaving arrears of rent or revenue due from land, and any other bonâ fide claims which may be entitled to ſatisfaction in preference to the decree) ſhall be held anſwerable for the execution of the judgment, in the mode preſcribed by the regulations. But if the plaintiff's claim be diſmiſſed, or be not in any conſiderable proportion eſtabliſhed againſt the defendant, all expenſe and loſs to the defendant, which may ariſe from the attachment of his property in conſequence of ſuch claim, ſhall be reimburſed to him by the plaintiff, as part of the coſts of ſuit.

Proviſion if the plaintiff's claim be diſmiſſed, or not in any conſiderable portion eſtabliſhed againſt the defendant.

Caſes, in which an attachment of property may have taken place, to be tried and determined as ſpeedily as poſſible without regard to their number on the file of depending cauſes.

VI. Whenever any property may be attached by order of a zillah or city court, under the proviſions contained in the foregoing ſection, the trial of the cauſe ſhall be proceeded on, and brought to a concluſion, as ſpeedily as poſſible, without regard to the order of time, with reſpect to other depending cauſes, in which it may have been inſtituted. The attachment ſhall alſo be taken off on the delivery of ſufficient malzaminy ſecurity, at any time previous to the deciſion of the cauſe in the zillah or city court.

Attachment to be taken off at any time previous to the deciſion of the cauſe, if ſufficient malzaminy ſecurity be tendered.

Proviſions, of the two preceding ſections to be held applicable to the

VII. The proviſions contained in the two preceding ſections, ſhall be held equally applicable to the provincial courts of appeal,

peal, and Sudder Dewanny Adawlut, in all cases wherein an attachment of property, made by a zillah or city court, may be continued during the trial of an appeal before a provincial court, or the court of Sudder Dewanny Adawlut; or in which those courts may judge it proper to order an attachment of property, in default of security being given, as required; either by the appellant or respondent in any depending appeal.

provincial courts of appeal and Sudder Dewanny Adawlut, in all cases of the continuance of attachments in appealed cases, or in default of security.

VIII. When personal bail or security for money or other property, may be demandable from a party in any original civil suit, or appeal, and he shall tender a deposit of money, or of promissory notes, or other obligations of government, or any other sufficient money security, to the amount required; such deposit shall be accepted instead of hazirzaminy or malzaminy securities; and shall be carefully kept by the treasurer of the court; to be restored, or disposed of as the court may direct, on the termination of the cause, or whenever the purpose, for which the deposit is made, shall have been accomplished.

Promissory notes or other obligations of government or any other sufficient money security, to be accepted, instead of hazirzaminy or malzaminy, when either of those securities may be demandable, from a party in any civil suit or appeal.
Such securities to be kept by the treasurer of the court, and disposed of according to the direction of the court after the termination of the suit, or whenever the purpose of the deposit shall have been attained.

IX. All native commissioners empowered to act as munsiffs, aumeens, or arbitrators, shall be guided by Section II, of this regulation, directing a notice only to be issued to defendants in the first instance, without requisition of personal security, except on proof that the defendant is about to abscond. But nothing in the present regulation shall be understood to authorize any native commissioner to require personal security from defendants, or to attach their property; except in the cases wherein such authority is already declared to be vested in them, by Section XI, Regulation XL, 1793; Section IX, Regulation XVI, 1803; and Section XVII, Regulation XLIX, 1803. The judges of the zillah and city courts, and the registers of those courts, with the sanction of the judges, may however issue any of the processes authorized by this regulation, in suits referred to a native commissioner, sudder or mufussil; whenever such processes may appear necessary, and applicable to the case in reference.

Rules in Section II, of this regulation, directing the issue of a notice only to defendants, without requisition of personal security, except on proof that they are about to abscond, to be observed by native commissioners.
But not to be understood to authorize native commissioners to require personal security from defendants, or to attach their property, except in the cases wherein such power is already vested in them by the regulations herein quoted.
Judges however and registers with their sanction, may issue the processes authorized in this regulation, in suits referred to native commissioners when necessary or applicable.

X.

Explanation of a doubt whether the civil courts are competent to provide for the payment of money adjudged, by inſtalments.

X. Doubts having been entertained whether any of the eſtabliſhed city courts are competent to provide, in their decrees, for the payment by inſtalments of money adjudged by them, or to make ſuch proviſion, in caſes of indigence, at any period after paſſing their decrees; it is hereby declared, that the civil courts in general are reſtricted from granting indulgence of time, in the ſatisfaction of a final judgment, when property, from which ſuch judgment can be ſatisfied, (whether belonging to the party againſt whom the judgment is given, or to his ſurety or ſureties for the performance of ſuch judgment) may be forthcoming; unleſs the party in whoſe favor the decree is paſſed, ſhall conſent to wave his right of immediate enforcement, under an engagement for gradual payment, or otherwiſe; or unleſs a ſhort poſtponement of the ſale of property ſhall under any particular circumſtances, appear juſt and equitable. But when no property may be pointed out from which the judgment can be enforced, and the party againſt whom it is paſſed, or his ſurety, if he have given any, may be willing to engage (under ſufficient malzaminy or hazirzaminy ſecurity, as one or the other may be tendered or required) for the liquidation of the amount due, by inſtalments, within ſuch period, as the court paſſing the final decree or intruſted with the execution of it, ſhall deem reaſonable and proper, it ſhall be competent to the court, by which the final judgment is given, or to a zillah or city court enforcing the deciſion of a native commiſſioner, and to any ſuperior court reviſing the proceedings of an inferior court, to accept the engagement ſo offered, and to cauſe execution of the decree in conformity therewith, ſo long as the conditions of it ſhall be duly fulfilled. In ſuch caſes, if the perſon delivering the accepted engagement ſhall have been taken into cuſtody, he ſhall be immediately diſcharged; and ſhall not be liable to further arreſt in execution of the judgment to which ſuch engagement may refer, except on failure to perform the terms of it; nor ſhall any intereſt be chargeable in ſuch inſtances beyond what may be provided for in the engagement.

Declaration that the civil courts are reſtricted from granting indulgence of time, when there may be property ſufficient and liable to ſatisfy the judgment; unleſs the party in whoſe favor the judgment is paſſed, ſhall conſent to wave his right of the immediate enforcement of the judgment, or unleſs a ſhort poſtponement of the ſale of the property ſhall appear equitable.

Proviſion when no property to ſatisfy the judgment may be pointed out; and the party againſt whom the deciſion is paſſed or his ſurety may be willing to engage for the liquidation of the amount due by inſtalments under ſufficient malzaminy or hazirzaminy, as the one or the other may be tendered or required.

Competency of the courts to receive ſuch engagements, declared.

In ſuch caſes, if the perſon delivering the engagement ſhall have been arreſted, he is to be immediately releaſed, and not again arreſted in execution of the ſame judgment, except on failure to perform his engagement.

Nor ſhall any intereſt be chargeable in ſuch inſtances beyond what the engagement provides for.

XI. For the relief of insolvent debtors and their sureties, who may be in confinement for the satisfaction of the decrees of the civil courts, and may have no means of discharging the amount demandable from them, by instalments or otherwise, the judges of the zillah and city courts, the provincial courts of appeal, and the court of Sudder Dewanny Adawlut, are further empowered, on receiving from the person, or persons confined, in such cases, a statement upon oath, containing a full and fair disclosure of all property belonging to them, whether in land, money, or effects, or of whatever description; and whether held in their own names, or in the names of any other persons, or jointly with others; to cause enquiry to be made for the purpose of ascertaining the truth of such statement, or the validity of any objections thereto, which may be offered by the party at whose instance the prisoner or prisoners, may be in confinement; and if the result of such inquiry shall satisfy the court, that the statement of property so delivered is true and faithful, and that the persons confined possess no other means of discharging the amount demandable from them, and the property included in the statement, or such part thereof as the court may deem it proper to sell, in satisfaction of the judgment passed, shall be given up for sale; the court, on receiving such surrender of property, may cause it to be sold, in the mode prescribed by the regulations; and may order the release of the person or persons, in confinement, either with, or without, hazirzaminy security, for his or their appearance when required. Provided, however, that nothing in this section, which is meant to grant relief in cases of real inability and fair dealing only, shall entitle any debtor or surety, confined under the judgment of a civil court, to be released, without full satisfaction of such judgment, if he shall be guilty of any fraudulent concealment of property; or shall have committed any manifest fraud or misdemeanor, which may appear to the court to render him an improper object of the relief intended for persons acting with good faith; and willing to surrender all the property in their possession for the benefit of their creditors. Nor shall release from confinement, in any instance, under

The zillah and city civil courts, the provincial courts, and the Sudder Dewanny Adawlut are empowered to afford relief to insolvent debtors and their sureties, on receiving a statement on oath, containing a fair disclosure of all property belonging to them.

Inquiry to be made to ascertain the truth of such statements, or the validity of any objections to them.

If the statements appear true and faithful, and the person in confinement has no other means of paying the amount due, and shall make a surrender of his property; the court after causing it to be sold, may release the debtor with or without security for appearance.

Provided that no debtor or surety in confinement shall be entitled to release, who may appear to have been guilty of a fraudulent concealment of property, or any manifest fraud or misdemeanor.

Nor shall the release of the debtor under this section prevent

the creditor from bringing to ſale any property which may be ſubſequently poſſeſſed by the party releaſed, in full payment of the ſum adjudged againſt him, or from cauſing the party to be again confined on its being proved that he fraudulently concealed any property in his own name, or in that of others at the time of his diſcharge.

under this ſection, prevent the creditor from bringing to ſale (by application to the court) in full payment of the ſum adjudged due to him, any property which may be ſubſequently poſſeſſed by the party releaſed; or from cauſing ſuch party to be again confined until the judgment be fully ſatisfied, when it may appear, by ſufficient proof, that he had fraudulently concealed any property actually belonging to, and known to have been poſſeſſed by him, either in his own name, or that of others in his behalf, at the time of his diſcharge. Provided further, that all proceedings held and orders paſſed, by the judges of the zillah and city courts, under the diſcretion veſted in them by this ſection, ſhall, on repreſentation of the parties affected thereby to the provincial courts of appeal, be open to the reviſion and determination of thoſe courts; and in like manner, all orders paſſed by the provincial courts under this ſection, ſhall be open to the final deciſion of the Sudder Dewanny Adawlut.

Provided further that all orders paſſed by the civil courts, ſhall on repreſentation from the party affected, be open to the reviſion of the provincial courts; and in like manner any orders paſſed by the latter courts under this ſection ſhall be open to the final deciſion of the Sudder Dewanny Adawlut.

Explanation that the amount paid for the ſubſiſtence of perſons in confinement in ſatisfaction of the judgments of the civil courts, is to be reimburſed in common with other coſts of ſuit when there may be any property forthcoming.

XII. A queſtion having ariſen, whether the amount paid for the ſubſiſtence of perſons in confinement, under judgments of the civil courts, as preſcribed by Section VIII, Regulation IV, 1793, and Section X, Regulation III, 1803, is to be repaid by the party confined, on his releaſe; it is hereby explained that ſuch repayment is to be made, in common with the reimburſement of other coſts of ſuit and proceſs, when any property may be forthcoming from which the amount can be levied. But when no property can be pointed out for the reimburſement of the ſubſiſtence money paid to priſoners, they ſhall not be detained in confinement for the repayment of ſuch money only.

But perſons are not to be detained for the reimburſement of the ſubſiſtence money only, when no property can be pointed out.

A. D. 1806. REGULATION III.

A REGULATION *for defining the weight and standard of the silver coin, established in the ceded and conquered provinces, by Regulation* XLV, 1803, *and Regulation* XI, 1805; *and the weight of the copper coin established in the said provinces by the regulations abovementioned; also for fixing a table of rates for regulating the receipt and payment of rupees of different descriptions, during the periods prescribed by Regulation* XLV, 1805, *for the receipt and payment of rupees not being the rupees declared by that regulation, and by Regulation* XI, 1805, *to be the established and legal silver coin within the ceded and conquered provinces.*—PASSED *by the Governor General in Council, on the 27th of March* 1806; *corresponding with the 15th Chyte* 1212 *Bengal era; the 23d Chyte* 1213 *Fussily; the 15th Chyte* 1213 *Willaity; the 7th Chyte* 1863 *Sumbut; and the 6th Mohurrum* 1221 *Hegeree.*

Preamble.

WHEREAS it is declared, in Sections III and XLIII, Regulation XLV, 1803, that a ſpecification of the weight and ſtandard of the Lucnow ficca rupee, eſtabliſhed by Section

tion II, of that regulation, and of the correſponding Lucnow and Calcutta ficca weight of the copper coin eſtabliſhed by Section XLIII, of the regulation aforeſaid, would be publiſhed in a future regulation: And whereas it is declared in the ſaid regulation, that a table of rates would be inſerted in a future regulation, for determining the receipt and payment of rupees of different deſcriptions, during the periods preſcribed by the regulation abovementioned, for the receipt and payment of rupees, not being the rupees declared by that regulation, to be the eſtabliſhed and legal ſilver coin in the provinces ceded by the Nawaub Vizier to the Honorable the Engliſh Eaſt India Company: And whereas Regulation XLV, 1803, has been extended by Regulation XI, 1805, to the conquered provinces ſituated within the Doab, and on the right bank of the river Jumna, ceded to the Honorable the Engliſh Eaſt India Company by Dowlut Rao Scindiah, and to the territories in Bundlecund, ceded to the Honorable the Engliſh Eaſt India Company by the Peiſhwah; the following rules have been therefore enacted, to be in force in the ceded and conquered provinces.

Specification of weight and ſtandard of the Lucnow ficca rupee, ſtruck at the Mint at Furruckabad, eſtabliſhed by Regulation XLV, 1803, and Regulation XI, 1805.

II. The following is a ſpecification of the weight and ſtandard of the Lucnow ficca rupee of the forty-fifth ſun, ſtruck in the Mint at Furruckabad, eſtabliſhed by Section II, Regulation XLV, 1803, and Regulation XI, 1805.

Troy Weight, one hundred and ſeventy-three Grains.

Aſſay,	Touch, or parts of fine Silver, in 100,	95	5
	Alloy, - - - - - -	4	5

Specification of the weight of copper coins, eſtabliſhed by the ſame regulations.

III. The following is a ſpecification of the weight of the copper coin, eſtabliſhed by Section XLIII, Regulation XLV, 1803, and Regulation XI, 1805;

Troy Weight, - -	Grains	284½		
Lucnow ficca weight, -	Annas	1	10	3¾
Calcutta ficca weight, -	Annas	1	9	4

It is to be underſtood, however, that pice ſhall only be coined

on

on account of Government, and in ſuch quantities and at ſuch times, as the Governor General in Council, on receipt of information on the ſubject from the Mint Committee at Furruckabad, may direct.

IV. The pice will be iſſued from the treaſury of Government at the rate of twenty-ſix, for a Lucnow ſicca rupee.

Rate at which pice will be iſſued from the treaſury.

V. The following is the table of rates referred to in Regulation XLV, 1803, for determining the receipt and payment of different deſcriptions of rupees, not being the rupees declared by that regulation, and by Regulation XI, 1805, to be the eſtabliſhed and legal ſilver coin in the ceded and conquered provinces, during the periods limitted for the receipt and payment of ſuch rupees by the ſaid regulations.

Table of rates for determining the receipt and payment of different deſcriptions of rupees, not being the eſtabliſhed and legal currency, during the period limited for the receipt and payment of ſuch rupees, by the regulations above-mentioned.

TABLE ſhewing the intrinſic comparative value, that each ſpecies of rupee, bears to the Lucnow ſicca rupee, or, in other words, the number of Lucnow ſicca rupees, intrinſically equal to one hundred Lucnow ſicca weight of each of the different ſorts of rupees ſpecified in the Table.

SORTS OF RUPEES.	*Column firſt.* Lucnow Sicca Weight.	*Column Second.* Lucnow Sicca Rupees.
Siccas of Lucnow, Troy weight grains 173, fine ſilver, grains 165 22, - -	100	100 0 0
Calcutta, Moorſhedabad, Patna and Dacca, 19 ſun ſicca rupees, - - -	ditto.	102 9 9
Furruckabad rupees, - - -	ditto.	97 10 3
Bareilly rupees, - - -	ditto.	97 6 0
Nudjeebabad rupees, - - -	ditto.	96 5 3
Lucnow rupees coined at Allahabad, -	ditto.	96 13 8
Old 18 ſuns Lucnow, - - -	ditto.	95 8 9
Viziery rupees, - - -	ditto.	89 4 2
Benares rupees, - - -	ditto.	101 0 8
Corah 12 ſuns, - - -	ditto.	91 9 11

Corah

SORTS OF RUPEES.	Column First Lucknow Sicca Weight	Column second. Lucknow Sicca Rupees.
Coroh 20 ſuns,	100	91 1 6
Corah Sonwats,	ditto.	92 14 10
Furruckabad 31 and 39 ſuns,	ditto.	97 6 0
Etawah rupees,	ditto.	95 4 6
Saharunpore old rupees,	ditto.	96 9 6
Saharunpore new rupees,	ditto.	96 13 8
Panniput rupees,	ditto.	95 12 11
Samlie rupees,	ditto.	94 12 2
Kerhanah rupees,	ditto.	96 5 3
Lundowrah rupees,	ditto.	95 12 11
Thannah rupees,	ditto.	94 12 2
Ruckaby rupees,	ditto.	91 1 6
Sirdannah rupees,	ditto.	96 5 3
Delhi ſiccas,	ditto	101 0 8
Delhi 38 ſuns,	ditto.	96 9 6
Bhurtpore rupees,	ditto.	100 12 6
Khotah rupees,	ditto.	95 8 8
Ghutſun 29 ſuns,	ditto.	99 7 6
Mahomed Shahee 19 ſuns,	ditto.	101 0 8
Gocul 46 ſuns,	ditto.	96 13 8
Jeend rupees,	ditto.	84 13 0
Siccas of Lucnow,	ditto.	100 0 0
Gourſhahee 7 ſuns	ditto.	95 4 6
8 ſuns,	ditto.	95 12 11
9 ſuns,	ditto.	93 3 0
10 ſuns,	ditto.	93 3 0
11 ſuns,	ditto.	92 6 5
12 ſuns,	ditto.	91 5 8
Sirngury rupees,	ditto.	93 7 2
Tamboſhahee rupees,	ditto.	91 9 11
Ballaſhahee rupees, coined at Gulpie,	ditto.	93 11 5
Hattraſs rupees,	ditto.	99 7 6
Bindrabunſee rupees,	ditto.	87 6 10

Generally

SORTS OF RUPEES.	Column First Lucknow Sicca Weight.	Column Second. Lucknow Sicca Rupees.
Generally ſtruck by Perron,	100	90 9 2
Deeg rupees,	ditto.	91 9 11
Gourſhahee rupees,	ditto.	98 11 0
Bombay rupees,	ditto.	96 5 3
Old Arcots, Moorſhedabad, and Calcutta,	ditto.	97 10 3
French Arcots,	ditto.	99 7 6
Madras Arcots,	ditto.	98 11 0

A. D. 1806. REGULATION IV.

A REGULATION *for levying a tax from pilgrims reſorting to the temple of Jugunnauth, and for the ſuperintendence and management of the temple.*—PASSED *by the Governor General in Council, on the* 3*d of April* 1806*; correſponding with the* 22*d Chyte* 1212 *Bengal era; the* 30*th Chyte* 1213 *Faſſily; the* 22*d Chyte* 1213 *Willaity; the* 15*th Chyte* 1863 *Sumbut; and the* 13*th Mohurrum* 1221 *Higeree.*

Preamble.

WHEREAS it is provided by Section XXXI, Regulation XII, 1805, that a tax ſhall be levied from pilgrims reſorting to the temple of Jugunnauth: And whereas it is eſſentially neceſſary that proviſion ſhould be made for the protection of the pilgrims from undue exactions on the part of the officers of government or of the temple, and alſo for the preſervation of order, tranquillity, and regularity in the town of Jugunnauthpooree, and its dependencies, and for the trial of civil ſuits of inconſiderable amount or value within thoſe limits; the following rules have been paſſed, to be in force from the time of their promulgation.

A tax ſhall be levied on pilgrims reſorting to the temple of Jugunnauth, to be collected by a covenanted ſervant of the Company under the control of the Board of Revenue.

II. A tax ſhall be levied on the part of government (as was heretofore done under the late Marhatta government) on pilgrims reſorting to the temple of Jugunnauth. The collection of the tax ſhall be entruſted to an officer, (being a covenanted ſervant of the Company) with the official deſignation of the collector of the tax on pilgrims at Jugunnauth. The general ſuperintendence of the collections, and the control of the officers employed in the performance of that duty, ſhall be veſted in the Board of Revenue at Fort William.

The avenues for the admiſſion of pilgrims to the temple confined to ghaut Attarah Nullah and ghaut Lokenauth.

III. The avenues for the admiſſion of pilgrims to the temple of Jugunnauth ſhall be confined to two: viz. ghaut Attarah Nullah on the North, and ghaut Lokenauth on the South of the town of Jugunnauthporee.

Rate of tax to be levied at each of thoſe ghauts reſpectively on pilgrims of the deſcription of Laal Jautreys.

IV. The tax to be levied at ghaut Attarah Nullah, ſhall be fixed at ten rupees; and the tax to be levied at Ghaut Lokenauth, ſhall be fixed at ſix rupees, on each perſon of the claſs of pilgrims, commonly called Laal Jautreys; whether ſuch appellation ſhall have been aſſumed by the pilgrims themſelves, or whether they ſhall be ſo denominated by their conductors.

Rate of tax on other pilgrims.

V. The tax on all other pilgrims indiſcriminately ſhall be levied at the rate of two rupees from each perſon.

The abovementioned tax ſhall include the uſual fees of the officers of the temple, with exception of thoſe denominated Purharees and Pundahs, who ſhall be entitled to receive the uſual fees according to a table of rates to be fixed up for general information.

VI. The abovementioned rates of tax on pilgrims, are to be conſidered to include the uſual fees of the officers of the temple; and theſe fees ſhall in future be paid to them out of the funds which have been, or may be aſſigned for the ſupport of the temple. Provided, however, that this rule ſhall not be conſidered applicable to the officers denominated Purharees and Pundahs, who ſhall be entitled to receive, in conformity to eſtabliſhed uſage, a fee from the pilgrims, according to a table of rates which ſhall be kept fixed at the temple of Jugunnauth, and in places adjacent to the temple for general information. The officers attached

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to the temple, are accordingly ſtrictly prohibited from making any demands for money, excluſive of the tax and fees ſpecified in this and the preceding ſections. This reſtriction however, ſhall not be conſtrued to preclude the ſaid officers from receiving preſents or gifts; the ſame being voluntarily made. Any deviation from theſe rules will ſubject the officer, by whom ſuch offence ſhall be committed, on proof thereof made to the ſatisfaction of the Board of Revenue, or of the Governor General in Council, (if the nature of the caſe ſhall require a reference to Government under the general proviſions contained in Regulation V, 1804,) to be diſmiſſed from his employment.

Voluntary preſents or gifts may be received by the officers.

Deviations from theſe rules will ſubject the officer to be diſmiſſed from his employment.

VII. It ſhall be the duty of the collector of the tax on pilgrims to eſtabliſh, with the approbation of the Board of Revenue, ſuch rules, as may be neceſſary for the due collection of the tax; for keeping regular and clear accounts of the receipts; for the prevention of embezzlement by the native officers; and for guarding againſt any evaſion of the eſtabliſhed tax by the pilgrims.

The collector with the approbation of the Board of Revenue ſhall eſtabliſh ſuch rules as may be neceſſary for the due collection of the tax, &c.

VIII. It ſhall likewiſe be the duty of the collector to eſtabliſh, with the ſanction of the Board of Revenue, and aided by the officers of police, ſuch rules for the admiſſion of pilgrims into the town of Jugunnauthporee through the preſcribed avenues of ghaut Attarah Nullah and ghaut Lokenauth, as may be neceſſary to guard againſt accidents and confuſion, and to preſerve regularity and good order among the great concourſe of people reſorting to the temple.

He ſhall likewiſe with the aſſiſtance of the police officers eſtabliſh the neceſſary rules for preſerving regularity and good order amongſt the perſons reſorting to the temple.

IX. In conformity to long and eſtabliſhed uſage, the following deſcriptions of perſons ſhall be conſidered to be exempt from the payment of the tax on pilgrims at Jugunnauth, viz. Byraghies; perſons employed in carrying the water of the Ganges to the temple of Jugunnauth, or to any other Hindoo temple; perſons reſiding between the Byturnee Nullah and the Ganjam

What perſons ſhall be exempted from the tax.

Ganjam river; perſons reſorting to the town of Jugunnauthpore for trade, or for any other purpoſe, excepting on pilgrimage. Pilgrims likewiſe in an actual ſtate of poverty ſhall be exempted from the payment of the eſtabliſhed tax, on declaring, under ſuch form or ceremony as ſhall be preſcribed by the native officers entruſted with the management of the temple, that they cannot contribute the preſcribed tax of two rupees, and that they have not in their immediate poſſeſſion more money than is abſolutely neceſſary to defray their expenſes on their return from the pilgrimage.

Any other claſs of people heretofore exempted may be exempted by the Governor General in Council, who reſerves to himſelf the power of granting temporary and ſpecial exemptions.

X. If it ſhould appear that any other claſs of people was heretofore exempted from the payment of the duty levied on pilgrims under the late Marhatta Government, the collector of the tax ſhall report the circumſtance to the Board of Revenue. That Board ſhall ſubmit the caſe, with their ſentiments on the ſubject, to the Governor General in Council, who will order ſuch claſs of people to be in future exempted from the payment of the tax, or not, as may appear to him to be proper. The Governor General in Council likewiſe reſerves to himſelf the power of granting any temporary and ſpecial exemptions from the tax in favor of individuals which he may conſider to be proper.

The ſuperintendence of the temple and its interior economy, and the control over the officers and ſervants attached to it, ſhall be veſted in an aſſembly of pundits or learned Brahmins.

XI. The ſuperintendence of the temple of Jugunnauth and its interior economy; the conduct and management of its affairs; and the entire control over the prieſts, officers, and ſervants, attached to the idol and to the temple, ſhall be veſted in an aſſembly of pundits or learned Brahmins, who on all occaſions ſhall be guided by the recorded rules and inſtitutions of the temple, or by long and eſtabliſhed uſage.

The aſſembly of pundits ſhall conſiſt of three members recommended by the collector.

XII. The aſſembly of pundits ſhall conſiſt of three members, to be recommended by the collector of the tax on pilgrims, through the Board of Revenue, to the Governor General in Council.

Rules to be obſerved by the

XIII. In the ſelection of perſons to fill that ſituation, it ſhall

shall be the particular duty of the collector to consult the opinions of the most respectable Hindoos, with respect to the description of persons, from whom the selection ought to be made, and to satisfy himself that the character and qualifications of the persons whom he may recommend, are such as afford reasonable grounds of belief, that they will exercise the important trust to be committed to them with propriety. Nothing however contained in this, or in the foregoing Section, shall be construed to preclude the Governor General in Council from nominating in the first instance any person to fill the office of pundit, should he at any time deem it advisable to exercise that power.

collector is making the selection.

The foregoing rules shall not preclude the Governor General in Council from nominating in the first instance any person to fill the office of pundit.

XIV. In all cases of difference of opinion amongst the members, the opinion of the majority shall be adopted by the assembly.

The opinion of the majority of the assembly shall be adopted.

XV. The pundits shall hold their situations so long as they shall continue to conduct themselves with integrity, diligence and propriety, but nothing contained in this regulation shall be construed to preclude the Governor General in Council from removing any person from that situation on proof of misconduct in such person made to the satisfaction of government.

The pundits shall hold their situations during good behaviour, but may be removed on proof of misconduct.

XVI. To enable the assembly of pundits to perform the duties of their station with greater effect, they are hereby empowered to punish persons subject to their control, for any instance of neglect or misconduct, by imposing small fines upon them not exceeding one month's salary or income, or by suspending the offender from his office, if the offence shall appear to merit that punishment; provided however that, in the former case, the fines so imposed shall be reported to the collector in order that the amount may be deducted from the offender's salary or wages, and that in the latter case, viz. the suspension of any officer from his employment, a report shall be made to the collector for the decision of the Board of Revenue, or of the Governor General in Council,

The assembly of pundits are authorised to punish persons subject to their control for neglect or misconduct, by fine or suspension, under certain restrictions and rules.

Council, according to the nature and the circumſtances of the caſe, on the principle of the rules contained in Regulation V, 1804.

Rule in caſes of criminal offences of a nature requiring greater puniſhment than that ſtated in the foregoing ſection

XVII. If any perſon attached to the temple of Jugunnauth ſhall be guilty of any offence of a criminal nature, which may appear to the aſſembly of pundits to require any greater puniſhment than that above ſtated, the perſon accuſed ſhall be delivered over to the charge of the officers of police, who will proceed againſt him in the manner preſcribed in the general regulations.

Salaries will be hereafter allowed out of the funds aſſigned for the ſupport of the temple to the ſeveral perſons attached to it.

XVIII. Such ſalaries ſhall be allowed out of the funds to be aſſigned for the ſupport of the temple, to the perſons compoſing the aſſembly of pundits at Jugunnauth, and to the other miniſters and officers of the temple, as the Governor General in Council may hereafter think proper to fix for their ſupport.

Rule to be obſerved in caſes of vacancy occurring among the miniſters and officers of the temple.

XIX. It ſhall be the duty of the collector to report to the Board of Revenue whenever vacancies may occur among the miniſters and officers of the temple; when that Board will either order the vacancies to be filled, or refer the caſe to government, as may appear to be proper, in conformity to the principle of the rules contained in Regulation V, 1804. In the recommendation of perſons to fill ſuch vacancies, the collector is required to attend particularly to the eſtabliſhed uſages of the temple, and to the religious opinions of the officers of the temple, and of the pilgrims who reſort to it.

The collector authorized to levy fines from the miniſters, officers, &c. in certain caſes.

XX. To enable the collector of the tax on pilgrims at Jugunnauth, to perform the duty entruſted to him with effect, he is hereby empowered to levy ſmall fines from any of the miniſters, officers, or ſervants, attached to the temple for neglect of duty, or other miſconduct. Provided, however, that no fine ſhall be levied, exceeding the actual or computed monthly allowance of the perſon by whom it may be payable. Provided alſo, that any perſon, on whom

whom such punishment may be imposed, shall be at liberty, should he deem himself aggrieved, to apply for redress to the Board of Revenue; who will pass such orders on the subject as shall appear to be just and reasonable, and whose decision shall be final.

Any person so punished may apply to the Board of Revenue for redress should he think himself aggrieved.

XXI. The collector of the tax on pilgrims at Jugunnauth shall be ex-officio assistant to the magistrate of the zillah of Cuttack, and shall be competent to exercise all the powers, which either are, or at any time may be, vested in the head assistants to the zillah and city magistrates. The person, by whom these powers may be exercised, is required at all times, to give every attention to the religious opinions of the Hindoos, and to the particular institutions of the temple of Jugunnauth, which may be consistent with the general regulations; and with the maintenance of peace and good order at the temple, and in its vicinity; and he shall on no account suffer his peons or ministerial officers to enter the precincts of the temple.

The collector shall be ex-officio assistant to the magistrate of the zillah of Cuttack, and may exercise all the powers vested in the head assistants to the zillah or city magistrates, under certain restrictions.

XXII. The town of Jugunnauthporee, and the country adjacent, shall constitute a police jurisdiction within such limits as may be fixed with the approbation of government; and either one or more of the Dewul Purchas, as the Governor General in Council may direct, shall be appointed to be darogahs of police within those limits, with the powers vested in the darogahs by Regulation XIII, 1805, and the other regulations thereby extended to Cuttack.

One or more of the Dewul Purchas shall be appointed to be darogah of police for the town of Jugunnauthporee and its vicinity.

XXIII. It shall be competent for the court of Sudder Dewanny Adawlut, to appoint the Dewul Purchas to be commissioners in the town of Jugunnauthporee and its dependencies, for the trial of civil suits to a limited amount, under Regulation XL, 1793, and Regulation XLIX, 1803, extended to Cuttack by Regulation XIV, 1805. The Sudder Dewanny Adawlut is likewise hereby further authorized to prescribe such rules, as may appear

The Sudder Dewanny Adawlut may appoint the Dewul Purchas to be commissioners for the trial of civil suits to a certain amount in the town of Jugunnauthporee and its dependencies and may prescribe such rules for their conduct as may appear necessary.

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to be neceſſary for the conduct of the duties of the commiſſioners, either in rotation, or in ſuch other mode, as may appear to be beſt calculated for the ſpeedy deciſion of the ſuits of which the commiſſioners are empowered to take cognizance, and as may the leaſt interfere with the duties of the temple.

A. D. 1806. REGULATION V.

A REGULATION *for preventing perſons from evading payment of the tax eſtabliſhed by Regulation* IV, 1806.—PASSED *by the Gov rnor General in Council, on the* 17*th of April* 1806*; correſponding with the* 6*th Byſaak* 1213 *Bengal era; the* 14*th Byſaak* 1213 *Fuſſily; the* 6*th Byſaak* 1213 *Willaity; the* 14*th Byſaak* 1863 *Sumbut; and the* 27*th Mohurrum* 1221 *Higeree.*

Preamble.

WHEREAS it has been deemed adviſable, to make further proviſion for preventing evaſion of the payment of the tax eſtabliſhed by Regulation IV, 1806, on the part of perſons reſorting to the temple of Juggunnauth: And whereas it has been likewiſe judged adviſable, to grant an exemption from the payment of that tax in favor of perſons of the religious order, denominated Sonaſſies; the following rules have been eſtabliſhed, to be in force from the time of their promulgation.

Perſons of the deſcription of Lall Jatrays, who may attempt to evade the tax by aſſum-

II. The appellation of Loll Jatrays being applicable to all claſſes of Hindoos of ſubſtance and reſpectability, when engaged on a pilgrimage to the temple of Juggunnauth; if any perſon of

that

Taking the appellations of inferior ranks, shall make good the difference of the tax and be liable to a fine of double the amount.

that description shall endeavor to evade payment of the prescribed tax, by assuming an appellation applicable only to the inferior ranks, he shall be compelled, not only to make good the difference between the sum actually paid by him, and the established tax; but he shall likewise be subject to the payment of a fine equal to double the amount of the tax; provided that, it shall be proved to the satisfaction of the collector, that such pilgrim ought in the first instance, to have paid the tax at the rate ordered to be levied from Loll Jatrays: provided, however, that it shall not be competent for the collector to order any personal search or examination to be made of the pilgrims, for the purpose of ascertaining whether any cash be discoverable in their possession.

Collector not competent to order any personal search or examination.

Sonasses exempted from the payment of the tax.

III. Persons of the religious order, denominated sonasses, shall be exempted from the payment of the tax, established by Regulation IV, 1806, in common with the several descriptions of persons specified in Section IX of that regulation.

Restrictions contained in Section XXI, Regulation IV, 1806, only applicable to peons, &c. serving process or executing their duty as police officers.

IV. It being prescribed in Section XXI, of the abovementioned regulation, that "the magistrate shall on no account "suffer his peons or ministerial officers to enter the precincts of "the temple;" it is hereby explained, that such restriction is only to be considered applicable to persons of that description when employed in serving process, or in the execution of other duty entrusted to them in quality of officers of police, and that the said restriction is not intended to extend to such peons or other officers, whenever they may be desirous of visiting the temple for religious or other purposes.

A. D. 1806. REGULATION VI.

A REGULATION *for the more effectual repair of embankments.*—PASSED *by the Governor General in Council, on the* 17*th of April* 1806*; corresponding with the* 6*th Byſaak* 1213 *Bengal era; the* 14*th Byſaak* 1213 *Fuſſily; the* 6*th Byſaak* 1213 *Wŭlaity; the* 14*th Byſaak* 1863 *Sumbut; and the* 27*th Mohurrum* 1221 *Higeree.*

Preamble.

WHEREAS it is provided by Sections II and III, Regulation XXXIII, 1793, that the embankments, which are maintained at the expenſe of government, ſhall be repaired under the ſuperintendence of the collectors, ſubject to the control of the Board of Revenue: And whereas it has been judged expedient, that this duty ſhall in future be performed under the directions of thoſe officers, who, from local ſituation, poſſeſs the beſt means of forming a judgment of the repairs required, and of the manner in which ſuch repairs may be made by the perſons entruſted with the executive part of the duty: And whereas it is adviſable, that fixed and general rules ſhould be eſtabliſhed for preparing the annual eſtimates of the expenſe required for the repair of the ſaid embankments, and for the audit of the accounts of the actual diſburſements:

diſburſements: And whereas it is eſſential, that further proviſions ſhould be made for the more effectual repair of the embankments, which the zemindars and talookdars are bound, under the conditions of the permanent ſettlement of the land revenue, to maintain at their own expenſe; the following rules have been enacted by the Governor General in Council, which are to be immediately in force throughout all the provinces, ſubject to the immediate government of the Preſidency of Fort William.

Section II to VII, Regulation XXXIII, 1793, and the correſponding ſections of Regulation XLVI, 1795, and Regulation XLIV, 1803, reſcinded.

II. Sections II, III, IV, V, VI, and VII, Regulation XXXIII, 1793, and the correſponding proviſions of Regulations XLVI, 1795, and likewiſe Sections II, III, IV, V, VI and VII, Regulation XLIV, 1803, are hereby reſcinded.

The general charge of the embankments entruſted to committees to conſiſt of ſuch public officers as may be nominated by government.

III. The general charge of the embankments maintained in the different zillahs at the expenſe of government, and the ſuperintendence of the repairs of ſuch embankments ſhall be entruſted to committees, conſiſting of the magiſtrate, the collector of the land revenue, the commercial reſidents, and generally of ſuch other public officers reſiding in the zillahs in which the ſaid embankments are ſituated, as the Governor General in Council ſhall think proper to nominate, for the performance of that duty.

The ſenior ſervant of the company at each ſtation ſhall be preſident, and the regiſter of the zillah court ſhall be ſecretary to the committee.

IV. The ſenior ſervant of the Company at each ſtation, ſhall be preſident of the committee; and the regiſter attached to the court of the zillah, in which ſuch committee may be appointed, ſhall be ex-officio ſecretary to the committee.

The committees ſhall furniſh an annual eſtimate of the expenſe required for repairing the embankments.

V. *Firſt.* It ſhall be the duty of the committees to furniſh the Governor General in Council, as ſoon after the expiration of the rains in each year, as may be practicable, with eſtimates of the expenſe, which may be required for the repair of the embankments maintained by government in the enſuing year.

Such eſtimates ſhall be prepare

Second. To expedite and facilitate the duty preſcribed in the preceding

preceding clauſe, the collectors of the land revenue in thoſe diſtricts, in which committees may be eſtabliſhed, ſhall prepare for the conſideration of the committees, eſtimates of the expenſe which may be required for the repair of the embankments in the enſuing ſeaſon, accompanied with ſuch information from the officers employed in the performance of that duty, or from other perſons as the collectors may deem neceſſary, to enable the committees to judge of the propriety of the eſtimates prepared by them.

ed in the firſt inſtance by the collectors for the conſideration of the committees.

Third. In preparing the eſtimates mentioned in the preceding clauſe, the collectors ſhall be at liberty to require the aſſiſtance of any perſon employed, with the ſanction of government, in the execution of the repair of the embankments; whether ſuch perſon ſhall be an engineer officer or otherwiſe; and alſo the aſſiſtance of any of the ſubordinate officers employed under ſuch perſon in the repair of the embankments.

In preparing the eſtimates, the collectors are at liberty to require the aſſiſtance of any perſon employed in the execution of the repairs.

Fourth. When the eſtimates ſhall have been ſo prepared, a meeting of the committee ſhall be ſummoned, under the ſignature of the ſecretary, at the ſtation of the magiſtrate and collector, for the purpoſe of taking the eſtimates into conſideration; together with any other points connected with the duty entruſted to them by this regulation, which may be propoſed by any member of the committee; and ſuch meeting ſhall not on any account be poſtponed beyond the expiration of the month of December, in each year.

A meeting of the committee ſhall be held for taking the eſtimates into conſideration at the ſtation of the magiſtrate and collector, and ſuch meeting ſhall not be poſtponed beyond the end of December in each year.

Fifth. When the eſtimates ſhall have been approved by the committee, they ſhall be forwarded to the ſecretary to government in the revenue department, for the conſideration of the Governor General in Council, accompanied with any ſuggeſtions, which may appear to the committee to be neceſſary or proper, with the view of preſerving the embankments in an efficient and complete ſtate of repair.

The eſtimates when approved ſhall be forwarded to government with any ſuggeſtions the committee may deem proper.

Members unable to attend the annual meeting shall state their reasons, which shall be forwarded to government by the committee.

Sixth Should any member be unable to attend the annual meeting of the committee, he shall state the reasons of his absence to the secretary to the committee, and the committee shall forward a copy of the letter of such absentee, to the Governor General in Council; together with their report upon the estimates for his information.

The collectors shall also prepare the accounts of the expense incurred unless in cases wherein government may commit that duty and the preparation of the annual estimates to any other officer.

VI. It shall likewise be the duty of the collectors, aided by the officers, both European and Native, who may be employed in the execution of the repair of the embankments, to prepare the accounts of the actual expense incurred in each year on that account; unless it should appear to the Governor General in Council to be preferable in any instance to commit this duty to any other member of the committee, in which case the annual accounts, and the annual estimates mentioned in Section V of this regulation, shall be prepared by such person as the Governor General in Council may direct.

The accounts shall be taken into consideration by the committee, either at the annual meeting above prescribed, or at a special meeting convened for that purpose, or in circulation, as may be most convenient.

VII. The accounts shall be taken into consideration by the committee, either at the annual meeting above prescribed, or at a special meeting convened for that purpose, or in circulation, as may be most convenient.

The accounts when approved by the committee shall be forwarded to the civil auditor, who will submit them to government.

VIII. As soon as the accounts of the actual expenditure in each year shall have received the approbation of the committee, they shall be forwarded to the civil auditor, who will submit them with any observations which he may deem necessary, to the Governor General in Council for his final orders.

In cases where it may not be convenient to appoint committees, the duty entrusted to the collectors in Sections V and VI, shall be performed by such other persons as government may direct, subject to

IX. In those parts of the country in which it may not be convenient to appoint committees, in consequence of the distance of the residence of most of the public officers from the situation of the embankments; as for instance, at Tumlook and Hidgelee, the duty entrusted by Sections V and VI, of this regulation to the collectors, shall be performed by the salt agents, or by such other

persons

perſons as the Governor General in Council may direct; and the general charge of the embankments ſhall be committed to the board of revenue, who ſhall conform, as nearly as local ſituation and other circumſtances will permit, in the performance of that duty to the rules above preſcribed for the conduct of the ſeveral committees.

the general ſuperintendence of the board of revenue, who ſhall conform as much as circumſtances may permit, to the rules preſcribed for the committees.

X. Previouſly to the annual meeting ordered to be holden in Clauſe Fourth of Section V of this regulation, a deputation ſhall be made of one or more members of the committee at each ſtation, for the purpoſe of examining in perſon the ſtate of the embankments; and ſuch member or members ſhall communicate to the general meeting, ſuch obſervations as may have occurred to him or them reſpecting the actual ſtate of the embankments, and any ſuggeſtions which may appear to be neceſſary for the purpoſe of preſerving the embankments in an efficient ſtate of repair. Thoſe reports ſhall be regularly forwarded to the Governor General in Council, together with the eſtimate of the expenſe required for the repair of the embankments in each ſucceſſive year.

An annual deputation ſhall be made for the purpoſe of examining the ſtate of the embankments.

XI. The committees in the ſeveral zillahs ſhall be veſted with a general control over the embankments which are repaired at the expenſe of the zemindars and farmers, as well as thoſe which are maintained by the government. By this rule, it is not intended to interfere with the zemindars and farmers in the repair of the embankments ſituated in the lands held by them, ſo long as that duty ſhall be effectually and properly performed. The committees ſhall, however, be at liberty, whenever they may deem it neceſſary, to call upon any zemindar or farmer, either by a perwannah from themſelves, or through the collector as may be deemed preferable, to make ſuch repairs to the embankments ſituated in the lands of ſuch zemindar or farmer as may be required. Should any zemindar or farmer after the receipt of ſuch perwannah neglect to make the neceſſary repairs, the committee ſhall ſubmit to government, an eſtimate of the expenſe required for that purpoſe,

The committees veſted with a general control over the embankments repaired by the zemindars, &c. and how ſuch control is to be exerciſed.

purpose, and the repairs shall in all such cases, be made by the officers of government; and the expense recovered from the zemindar or farmer who was bound to keep the embankments in a proper state of repair. Provided, however, that in all such cases, the accounts of the actual expenditure shall be forwarded through the channel of the civil auditor, to the Governor General in Council for his sanction, previously to the amount being charged to the account of the zemindar or farmer.

Rules established for making cuts and water courses through the embankments.

XII. *First.* Material injury and inconvenience having been sustained from the abuse of the powers exercised by the holders and cultivators of land, in making cuts and water courses through the embankments; the following rules have been established for general observance with respect to that point.

The committees shall report when they may be of opinion that sluices of masonry are necessary.

Second. With the view of preventing, as far as may be practicable, the necessity of making cuts in the embankments, sluices of masonry shall be constructed at those places at which water courses may be deemed more particularly necessary. The several committees will accordingly report, whenever they may be of opinion, that such sluices are absolutely necessary for the purpose of improving the cultivation of the country, and obviating the inconvenience and expense arising from making temporary water courses at such places.

Such sluices shall be only opened by the officer in charge of the embankments under the direction of the committee or other officer superintending the repairs.

Third. Whenever such sluices may be constructed, they shall be opened only by the darogah or other native officer in immediate charge of the embankments, under such orders as the darogah or other officer may receive from the committee, or from the person entrusted with the immediate superintendence of the repairs.

Landholders shall apply to the darogah when desirous of having a water course made through any part of an embankment, and

Fourth. Whenever the holders or cultivators of land may be desirous, that a water course should be made through any part of the embankments where sluices are not constructed, they shall state the circumstance to the darogah, who will communicate the

application

application to the perſon veſted with the ſuperintendence of the repair of the embankments; and that officer will paſs ſuch orders on the ſubject as may appear to him to be proper, applying whenever he may deem it neceſſary, to the committee for their inſtructions on the ſubject.

such application ſhall be reported to the ſuperintending officer for orders, or to the committee.

Fifth. In deciding upon applications of that nature, the committees and officers acting under their authority, will particularly conſider, not only the advantage which ſuch perſons may derive from opening the embankments, but likewiſe the injury which the lands of other perſons may eventually ſuſtain from that cauſe; and will order the embankments to be opened or not, according as may appear to be moſt conducive to the general intereſts and proſperity of the country.

What the committees or other officers are to conſider in deciding upon ſuch applications.

Sixth. Should any perſon be guilty of the offence of making cuts through any of the embankments maintained at the expenſe of government in any other manner than that preſcribed in the two preceding clauſes, he ſhall be liable to be proſecuted criminally before the magiſtrate for ſuch miſdemeanor, who will decide on the caſe or refer it to the court of circuit, according to the extent of the injury done by the offender, and the puniſhment to which the magiſtrate may conſider him to be liable.

Perſons guilty of a breach of the foregoing rules liable to criminal proſecution.

Seventh. Any perſon ſo offending, will likewiſe be liable to be proſecuted in the civil court for damages by any perſon or perſons, who may have ſuſtained any loſs or injury from the improper opening of the embankments.

Such perſons likewiſe liable to be proſecuted in the civil court for damages.

XIII. The rules contained in the foregoing ſection are to be conſidered applicable to the embankments repaired by the zemindars and farmers; with this difference, that when any perſon may be deſirous, that water courſes ſhould be made through any part of ſuch embankments, they are to apply to the zemindar or farmer, or to the officers employed by him in ſuperintending the repair

The foregoing rules applicable to the embankments repaired by the zemindars, &c. with certain modifications.

repair of the embankments; who will decide on the application, in conformity to the principle above ſtated. provided however, that any perſons who may be diſſatisfied with the deciſion of the zemindar or farmer, or of his officers, ſhall be at liberty to ſubmit a further application to the committee, who will paſs ſuch orders on the ſubject as may appear to be juſt and reaſonable. Any perſons infringing this rule, will be ſubject to the penalties ſtated in Clauſe Sixth of the preceding ſection, and to a civil action for damages, at the ſuit of any individual as above mentioned.

A. D. 1806. REGULATION VII.

A REGULATION *for re-eſtabliſhing a court of civil Judicature in the vicinity of Calcutta, and for defining its juriſdiction.*—PASSED *by the Governor General in Council, on the 26th of April* 1806, *correſponding with the 15th Byſaak* 1213 *Bengal era, the 23d Byſaak* 1213 *Fuſſily, the 15th Byſaak* 1213 *Willaity, the 8th Byſaak* 1863 *Sumbut, and the 6th Suffer* 1221 *Hgeree.*

Preamble

WITH a view of improving the police in the town and ſuburbs of Calcutta, it was deemed expedient, in the year 1800, to conſtitute the juſtices of the peace for the town of Calcutta, magiſtrates of the twenty four Purgunnahs, and parts of the adjacent diſtricts ſituated within the diſtance of about twenty miles from the town of Calcutta, with the general powers veſted in the magiſtrates of the zillahs and cities by Regulation LX, 1793, and by the other regulations in force reſpecting the adminiſtration of criminal juſtice and police The juriſdiction of

of the court of circuit for the diviſion of Calcutta was at the ſame time, reſerved, as before, for the trial of all perſons committed, or held to bail, by the magiſtrates of the twenty-four Pergunnahs, for offences not cognizable by the Supreme Court of Judicature. And the dewanny adawlut, or civil court, of the twenty-four Pergunnahs being diſcontinued, thoſe pergunnahs were annexed to the civil juriſdiction of zillah Hooghly; excepting ſuch mehals as were more contiguous to the ſtation of the dewanny adawlut of zillah Nuddea; which were conſequently annexed to the civil juriſdiction of that zillah. This arrangement has produced the full benefit expected from it, in improving the police of the town of Calcutta and its environs. But the addition of buſineſs to the civil court of zillah Hooghly, from the annexation of the greater part of the twenty-four Pergunnahs to its juriſdiction, has been found more than a ſingle judge can perform, with the requiſite diſpatch, in conſequence of which, it has been neceſſary, as a temporary expedient, to appoint an aſſiſtant judge in that zillah, under the proviſions of Section II, Regulation XLIX, 1803; and the increaſing population of the ſuburbs of Calcutta renders it an object of importance and public convenience, that a court of civil juriſdiction ſhould be permanently eſtabliſhed in the immediate vicinity of that city. The following proviſions are accordingly enacted by the Governor General in Council for this purpoſe.

A civil court to be re-eſtabliſhed in the vicinity of Calcutta.

II. A court of civil judicature ſhall be re-eſtabliſhed in the vicinity of Calcutta; to be denominated, as heretofore, the dewanny adawlut of the twenty-four Pergunnahs.

Limits of its juriſdiction.

III. The civil juriſdiction of the court eſtabliſhed under the preceding ſection, ſhall extend to the whole of the pergunnahs and mehals which are now, or may be hereafter, placed under the criminal and police juriſdiction of the magiſtrates of the twenty-four Pergunnahs, and which are not ſituated within the limits of the town of Calcutta.

IV.

From what period the jurisdiction of zillah Hooghly and other zillah courts to cease in the mehals described in Section III.

And provision for transmission of records of depending causes relative thereto.

IV. The jurisdiction of the dewanny adawlut of zillah Hooghly, or of any other zillah, in the mehals described in Section III, shall cease from the receipt of this regulation by the judge of such zillah; and all records and papers relative to depending civil causes, the cognizance of which under Section VIII, Regulation III, 1793, or any other provision in the regulations, may appertain to the civil court established under Section II, of this regulation, shall be immediately transmitted to the judge of such court. All separate records and papers, relative to decided causes which may have originated in the limits of the jurisdiction specified in Section III, shall also be transmitted to the judge of the dewanny adawlut of the twenty-four Pergunnahs, as soon as the same can be collected, and the requisite list be prepared to accompany them.

Also for future transmission of records of decided causes.

Powers and duties of the judge of the civil court established under this regulation.

V. The judge of the dewanny adawlut of the twenty-four Pergunnahs, established under this regulation, shall possess the same powers for the administration of civil justice, as are vested by the general regulations in the judges of other zillah dewanny adawluts; and shall perform the same duties; in the manner and under the restrictions prescribed by the rules in force; or which may be hereafter enacted in conformity with Regulation XLI, 1793.

Not to exercise any powers, or perform any duties, appertaining to the office of magistrate.

VI. The provision in Section II, Regulation IX, 1793, that the judges of the dewanny adawluts of the several zillahs, shall hold the office of magistrate of the zillah under their respective jurisdictions, shall not however be considered applicable to the judge of the dewanny adawlut of the twenty-four Pergunnahs established under this regulation; nor shall he be authorized to exercise any powers, or to perform any duties, which under the general regulations, appertain to the office of magistrate, and not to that of civil judge.

Powers and duties of the office of magistrate, by

VII. The justices of the peace for the town of Calcutta, who have

Whom to be exercised and performed, in the mehals, composing the jurisdiction of the dewanny adawlut of the twenty-four Pergunnahs.

have been appointed magistrates of the twenty-four Pergunnahs, and adjacent mehals in the vicinity of Calcutta, or such person or persons as the Governor General in Council may hereafter appoint for the purpose, shall exercise the powers and perform the duties of the office of magistrate in the pergunnahs and mehals composing the civil jurisdiction of the dewanny adawlut of the twenty-four pergunnahs, in the manner, and under the restrictions, prescribed by the existing regulations; or such as may be hereafter enacted, in conformity with Regulation XLI, 1793.

Section XXVI, Regulation XI, 1800, rescinded.

VIII. Section XXVI, Regulation XI, 1800, whereby it was declared that, in consequence of the abolition of the dewanny adawlut of the twenty-four Pergunnahs, complaints against the collector of customs at Calcutta, or his officers, should be cognizable in the dewanny adawlut of zillah Hooghly, is rescinded;

Complaints against public officers at the presidency, which are cognizable in any court of zillah dewanny adawlut, to be received and tried in the dewanny adawlut of the twenty-four Pergunnahs.

and it is hereby declared, that all complaints against the collector of customs at Calcutta, or his public officers, or any other public officer at the presidency, which by the regulations in force are cognizable in any court of zillah dewanny adawlut, shall be received, tried, and determined, as prescribed in the regulations, by the judge of the dewanny adawlut of the twenty-four Pergunnahs, constituted in pursuance of the regulations now enacted.

A. D. 1806. REGULATION VIII.

A REGULATION *to amend the existing rules for receiving complaints in the city and zillah civil courts, against collectors of the land revenue and customs, commercial residents, and other European public officers declared amenable to those courts, for acts done in their official capacity in opposition to any published regulation; and to make further provision for a special inquiry, in certain cases of charge, or information, against any such officers.*—PASSED *by the Governor General in Council, on the* 12*th of May* 1806*; corresponding with the* 31*st Bysaak* 1213 *Bengal era; the* 10*th Jeyte* 1213 *Fussily; the* 31*st Bysaak* 1213 *Willaity; the* 9*th Jeyte* 1863 *Sumbut; and the* 22*d Suffer* 1221 *Higeree.*

Preamble.

BY Section X, Regulation III, 1793, (extended to Benares by Section VII, Regulation VII, 1795; and re-enacted for the ceded provinces by Section VII, Regulation II, 1803,) collectors of the revenue, commercial residents or agents, salt agents, collectors

tors of the cuſtoms or other duties, the mint and aſſay maſters, and their reſpective aſſiſtants, (as well as the native officers employed under them reſpectively) are declared amenable to the zillah or city court of dewanny adawlut in the juriſdiction of which they may reſide, or carry on the public buſineſs committed to their charge, for any acts done in their official capacity, in oppoſition to any regulation printed and publiſhed in the preſcribed form. Similar proviſions are contained in the regulations which have particular reference to the functions and duties of the ſeveral public officers ſpecified; and to thoſe of the opium agents. It is further provided by the regulations referred to, that if the complainant conſider himſelf aggrieved, under any publiſhed regulation, by an act done by any of the officers deſcribed, in purſuance to a ſpecial order originating with the Governor General in Council, or with the Board of Revenue, or the Board of Trade; or, with reſpect to demands of revenue, if he admit the demand to be conformable to the engagements or ſtipulations under which the collector may have made the demand, but deny their validity, or have any objections to them, either wholly or in part, under any regulation paſſed by the Governor General in Council; the collector, or other public officer, is not to be liable to perſonal proſecution on account of ſuch authorized act, or on account of demands made in conformity to ſuch engagements, or ſtipulations; which are to be held valid until they are ſet aſide, or altered, by a final judicial deciſion. In ſuch caſes government is to be conſidered the defendant; and the perſon deeming himſelf aggrieved is directed to preſent a petition to the judge of the zillah or city court having juriſdiction over the officer by whom the act complained of may have been done, ſtating wherein he conſiders himſelf injured under the regulations; and praying that the Governor General in Council will order the court, in which the cauſe may be cognizable, to try the points or matters conteſted agreeably to the regulations. The judge, to whom any ſuch petition may be preſented, is required to forward it immediately to the Governor General in Council;

Council; who has declared that, if he ſhall not think it proper to afford the redreſs ſolicited by the petitioner, and the eſtabliſhed courts of juſtice ſhall be competent to try the cauſe, he will direct the court, in which it may be cognizable, to proceed to the trial of it, under the ſame rules and regulations as are preſcribed for the trial of ſuits between individuals. The officer, by whom the act complained againſt may have been done, is, in ſuch caſes, to defend the ſuit on the part of government, under the directions of the Governor General in Council, or of the Board of Revenue, or Board of Trade, (according to the authority under which he may have acted;) and he is to employ for this purpoſe the vakeel of government attached to the court in which the ſuit may be tried. But in all other caſes, viz. excepting ſuch as are ſpecially declared to be ſuits againſt government, the officer complained againſt is left to defend the ſuit by any vakeel he may think proper to employ, and at his own ultimate riſk and expenſe, if his conduct ſhall appear, on judicial inveſtigation, to have been repugnant to, or unwarranted by, the regulations; though in ſuits involving any claim to money received or demanded on behalf of government, all coſts of ſuit are allowed to be diſburſed, in the firſt inſtance, from the public treaſury; and the officer complained againſt is ſecured from perſonal loſs, if his conduct ſhall be adjudged by a final decree to have been conformable to the regulations. A principal object of the proviſions made upon this ſubject, in the exiſting regulations, was to diſtinguiſh ſuits, in which the collectors and other public officers might become perſonally anſwerable for any unauthorized deviation from the rules preſcribed for their guidance, in the performance of their reſpective duties; and ſuits for acts done by them, under ſpecial orders, in the regular diſcharge of their official functions, in which no perſonal reſponſibility could attach to them. A further object was to furniſh the Governor General in Council with the earlieſt information of all caſes in which individuals might deem themſelves aggrieved by acts done in purſuance of ſpecial orders from the Governor General in Council,

or

or from the Board of Revenue, or Board of Trade; that redreſs might be granted without a judicial proceſs, if it ſhould appear that any real injury had been ſuſtained; or that the rights of government might be defended, with full information and advice from the proper departments, if the complaint preferred ſhould on enquiry, be deemed not to have any juſt foundation. From omiſſions of the preſcribed forms however, and in ſome inſtances from miſapprehenſion of the detailed proviſions of the regulations, ſuits have been inſtituted and proſecuted againſt the public officers, as perſonal actions, which ought rather to have been received and reported to government as public ſuits; and on the other hand, the officers complained againſt have ſome times regarded complaints of their official acts, which, if eſtabliſhed, would render them perſonally reſponſible, to be within the deſcription of ſuits againſt government, which they were not bound to defend individually. It is therefore adviſable, with a view to prevent all poſſibility of doubt in ſuch caſes, that every complaint preferred in the courts of civil juſtice againſt any European public officer amenable thereto, ſhould be reported, in the firſt inſtance, for the information and orders of the Governor General in Council. It is alſo expedient and requiſite, that proviſion ſhould be made for a ſpecial inquiry, when charges of a ſerious nature are preferred to any of the eſtabliſhed courts of judicature, authorized to receive ſuch charges, againſt any of the covenanted ſervants of the Company, employed in ſituations of truſt and reſponſibility, in the revenue, or commercial department; as well as when any charge or public information of this deſcription may be communicated directly, or through any official channel of communication, to the Governor General in Council. By the Statute 13, GEO. III, Cap. LXIII, Sec. XXXIII, it is enacted, that "if "any of His Majeſty's ſubjects in India, employed by, or in the "actual ſervice of, the United Company, ſhall be charged with, "and proſecuted for, any breach of public truſt, or for embezzle-"ment of public money, or ſtores, or for defrauding the United "Company; every ſuch offender being convicted thereof in

"the

" the Supreme Court of Judicature, may be fined and impriſoned, " and judged to be forever after incapable of ſerving the United " Company." It is further enacted by the Statute 33, Geo. III, Cap. LII, Section LXII; " that the demanding or receiv- " ing any ſum of money, or other valuable thing, as a gift or " preſent, or under colour thereof, whether it be for the uſe " of the party receiving the ſame, or for, or pretended to be " for, the uſe of the Company, or of any other perſon what- " ſoever, by any Britiſh ſubject holding or exerciſing any office " or employment under His Majeſty, or the United Company, " in the Eaſt Indies, ſhall be deemed and taken to be extortion, " and a miſdemeanor at law; and ſhall be proceeded againſt and " puniſhed as ſuch, under and by virtue of this act; and the " offender ſhall alſo forfeit to the King's Majeſty, his heirs and " ſucceſſors, the whole gift or preſent ſo received, or the full " value thereof." Theſe proviſions of the Britiſh Legiſlature are open to the direct proſecution of the charges therein mentioned before the Supreme Court of Judicature at Calcutta, by any individual who may be deſirous of proſecuting ſuch charges in that court, without the interpoſition of government. But individuals cannot be expected, in all caſes, to proſecute charges of the nature ſpecified (at their own riſk and expenſe) in the Supreme Court at the Preſidency; and when an accuſation is preferred to any of the courts of judicature authorized to receive the ſame, or public information is given to the Governor General in Council, of corruption, embezzlement, or other groſs malverſation, breach of truſt, or high miſdemeanor, by a public officer, it is requiſite for the ends of juſtice, that an immediate enquiry ſhould be inſtituted for the purpoſe of aſcertaining whether ſuch accuſation, or information, be founded or otherwiſe; in order that in the former caſe government may be enabled to judge, whether ſuch officer deſerve any longer to be continued in the employment of the Company, and that (in caſes which may appear to require it) the proviſions of the law may be carried into effect by a public proſecution in the Supreme

Court

Court of Judicature, or if the charge ſhall appear to be unfounded, that juſtice may be done to the character of the accuſed. The following rules are accordingly enacted by the Governor General in Council for the purpoſes ſpecified; and are to be conſidered in force, as ſoon as promulgated, in the whole of the provinces ſubject to the immediate authority of the Preſidency of Fort William.

First proceſs to be obſerved, on the inſtitution of a complaint, in a zillah or city court, againſt a collector, commercial reſident, or other European public officer, amenable thereto; what the act complained of may not come within the ſpecial provisions of Section IV. of this regulation.

II. Whenever a complaint may be inſtituted, in the manner preſcribed by the regulations, in any city or zillah civil court, againſt a collector of the revenue, or a commercial reſident or agent, or a ſalt or opium agent, or a collector of the cuſtoms or other duties, or a mint or aſſay maſter; or againſt any aſſiſtant to ſuch officers reſpectively; or generally againſt any European public officer amenable to a zillah or city court; for any act which, under the regulations in force, may be cognizable by ſuch court; and may not be of the nature deſcribed in Section IV, of this regulation; the judge, previouſly to calling upon the officer complained againſt for his anſwer, ſhall tranſmit a copy and Engliſh tranſlation of the complainant's petition to the Governor General in Council, for his information and orders.

What proceedings will be held, and orders paſſed, by government, on references made to the Governor General in Council under the preceding ſection.

III. On receipt of the reference directed in the preceding ſection, the Governor General in Council, after making ſuch enquiry as he may judge neceſſary, through the Board of Revenue, or Board of Trade, or in any other mode which the circumſtances of the caſe may ſuggeſt, will determine, in the event of the redreſs ſued for by the complainant not being granted, whether the ſuit inſtituted ſhall be defended, as a public ſuit, by government; or whether it ſhall be conſidered a private ſuit, and left to the defence of the perſon againſt whom it is brought; or generally what mode of proceeding ſhall be adopted with reſpect to the ſuit in queſtion. The orders of government, in conſequence, ſhall be immediately communicated to the judge of the court in which the ſuit may have been inſtituted; or in which it may be cognizable;

In what reſpect the judges of the civil courts to be guided by the orders of government.

cognizable; and he ſhall be guided thereby, as far as they may reſpect the general mode of proceeding to be obſerved by him under the regulations in force. Provided, that if the Governor General in Council ſhall order the complaint, ſo referred, to be tried in a zillah or city court, either as a public ſuit againſt government, or as a private ſuit againſt the party whoſe acts are complained of, the whole of the rules in force relative to the trial and deciſion of ſuch ſuits, reſpectively, ſhall be conſidered applicable to the trial and deciſion of the ſuit in queſtion; in like manner as if no ſpecial orders from government had been received.

upon, ſuch, references.

IV. Whenever a complaint, or charge of corruption, viz. of the corrupt demand or receipt of money, or other valuable thing, as a gift, or preſent, or under colour thereof, or a charge of embezzlement of public money, or ſtores, or of any groſs fraud upon the Company or breach of public truſt, or other high miſdemeanor, ſuch as may appear to come within the proviſions of the ſtatutes quoted in the preamble to this regulation, or may be indictable as a miſdemeanor in the Supreme Court of Judicature, under any other ſtatute in force, or though not ſo indictable may amount to a groſs breach of duty or truſt, ſuch as, if eſtabliſhed, would ſubject the party to diſmiſſion from office; ſhall be preferred againſt any of the officers mentioned in Section II, of this regulation, in any zillah, city, or provincial court authorized by the regulations to receive the ſame; or before the Court of Sudder Dewanny Adawlut; the judge, or judges, of the court receiving ſuch complaint or charge, ſhall tranſmit a copy and Engliſh tranſlation of the petition of plaint or charge, for the information and orders of the Governor General in Council.

Firſt proceſs to be obſerved on complaints, or charges, of corruption, embezzlement, or other groſs fraud, breach of truſt, or high miſdemeanor.

V. On the receipt of any petition tranſmitted to the Governor General in Council under the preceding ſection, as well as in all caſes, when a charge or public information, of the nature therein deſcribed, may be communicated directly to the Gover-

What proceedings will be held, and determination paſſed, by government, on references made to the Governor General in Council un-

nor

der the foregoing ſection; or when a charge, or public information, of the ſame nature, may be otherwiſe communicated to the Governor General in Council.

nor General in Council, or through the medium of the Board of Revenue, or Board of Trade, or of any other official channel of communication to government; the Governor General in Council will order ſuch general enquiries to be made, as the nature of the caſe may ſuggeſt; either by a reference to the Board of Revenue, or Board of Trade, or to any of the local authorities, or (in caſes in which it ſhall appear to be expedient) by calling upon the perſon accuſed, for an explanation of the charges exhibited againſt him for the purpoſe of aſcertaining, whether any grounds exiſt for making a more full and formal inveſtigation into the charges.

Commiſſioners to be appointed and oath to be taken by them, when a ſpecial inquiry may appear neceſſary.

VI. When it may appear neceſſary to cauſe a ſpecial inquiry to be made into any charge of the nature of thoſe above deſcribed, the Governor General in Council will appoint a commiſſioner or commiſſioners, who, previouſly to entering upon the performance of the duty committed to him, or them, ſhall take and ſubſcribe the following oath, before ſuch perſon, or court, as the Governor General in Council may direct to adminiſter it.

"I, A. B. appointed a commiſſioner for making a ſpecial inquiry into a certain charge (or charges) exhibited againſt C. D. do hereby ſolemnly ſwear, that I will faithfully and impartially perform the duty committed to me, without fear, favor, or bias, to the beſt of my ability, knowledge, and judgment.—So HELP ME GOD."

Commiſſion, where to be holden.

VII. The Governor General in Council will, at the ſame time, order the commiſſion ſo appointed, to be holden at ſuch place as may appear to be moſt convenient.

Court of Sudder Dewanny Adawlut inveſted with general control over all commiſſions, appointed under this regulation.

VIII. The court of Sudder Dewanny Adawlut is hereby inveſted with a general control over the proceedings of all commiſſions conſtituted under the preſent regulation. The commiſſioners are accordingly to apply to the Sudder Dewanny Adaw-

lut

but for any instructions which they may require in the execution of the duty entrusted to them, for which provision may not have been expressly made by the present, or any other regulation; and the Sudder Dewanny Adawlut is empowered to pass such orders on the subject as may appear to be most consonant to the general principles of equity, and most conducive to the purposes of substantial justice. Provided however, that if any doubt or difficulty should arise in the conduct of such investigations, for which it may appear to the Sudder Dewanny Adawlut to be advisable to make provision by a general regulation, that court shall prepare the necessary draught of a regulation for the purpose, and submit it to the Governor General in Council for his consideration.

And empowered to instruct the commissioners, on all points not expressly provided for by this, or any other, regulation.

Provision for submitting to government any new regulation, which may appear advisable, in such cases.

IX. Whenever a special commission may be appointed under the provisions of this regulation for the investigation of charges exhibited against a public officer, such officer shall be suspended from the discharge of the functions of his station, and from the receipt of the salary and allowances attached to it. But if the charge be found, on enquiry, to have no foundation, the Governor General in Council, on restoring the suspended officer to the exercise of the functions of his station, will order payment of the whole of his salary and allowances, from the date of his suspension; in like manner, as if it had never taken place.

In what cases the Governor General in Council will order the suspension from office of the person charged with any of the offences specified in Section IV.

X. Whenever a commission may be instituted under the provisions of the present regulation, for the investigation of charges exhibited against a public officer, the Governor General in Council will determine, whether the conduct of the prosecution shall be left to the accuser; or be undertaken on the part of government. In the latter case, it shall be the duty of the Board of Revenue, or the Board of Trade (according as the person accused may be attached to the revenue or the commercial department) to digest and prepare the charges from the papers which may be transmitted to them for that purpose by the Governor General in Council, and from

By whom the prosecution is to be conducted, when a commission may be instituted under this regulation.

from any further information obtainable from the accuſer, or from any other ſource; to bring the evidence in ſupport of the accuſation in due order before the commiſſioners; and generally to conduct the proceedings on the part of the proſecution, through the channel of the regiſter of the zillah or city court, in which the commiſſion may be aſſembled; whoſe duty it ſhall be, on all occaſions of the above nature, to conduct the proſecution before the commiſſioners on the part and under the orders and guidance of the Board of Revenue, or the Board of Trade, and with the aid of the vakeel of government. The perſon, or perſons, by whom the charges or information ſhall have been exhibited, may alſo be examined upon oath, on the part of the proſecution.

Perſons by whom the charges, or information, have been exhibited, may be examined on oath, for the proſecution.

The perſon by whom the information may have been originally lodged, at liberty to communicate in writing with the Board of Revenue, or Board of Trade, or perſonally with the officer conducting the proſecution.

XI. Under the proviſions contained in the preceding ſection, the perſon by whom the information or accuſation may have been originally lodged, will of courſe be at liberty to communicate in writing with the Board of Revenue, or Board of Trade; or perſonally with the officer appointed to conduct the proſecution on the ſpot, as circumſtances may from time to time require.

General duty of the commiſſioners appointed under this regulation.

XII. It ſhall be the general duty of commiſſioners appointed under this regulation, after receiving the plaint or charge, and the documents from which the ſame may have been prepared, to call upon the perſon accuſed for his reply to the accuſation; to examine upon oath, the witneſſes named by the accuſer, or the accuſed, as having knowledge of any facts relative to the charges, or defence; to receive any further written documents offered in ſupport of, or againſt the accuſation; and to call for and take any further requiſite evidence which may be indicated by the witneſſes adduced, or documents exhibited, by either party; and may appear to be neceſſary for the aſcertainment of facts; or the diſcovery of the truth or falſehood of the charges; or of any part thereof.

Powers veſted in a commiſſion conſtituted under this regulation.

XIII. For the diſcharge of the duties ſpecified in the preceding ſection, or any other functions which may be delegated to a commiſſion

commiſſion conſtituted under this regulation, it ſhall be veſted with the ſame powers as are exerciſed by a court of zillah or city dewanny adawlut; except that all proceſs to cauſe the attendance of witneſſes, or other compulſory proceſs, ſhall be ſerved through, and executed by, the zillah or city court, in the juriſdiction of which the commiſſion may be held; or in which the witneſs, or other perſon upon whom the proceſs is to be ſerved, may reſide. In the rejection of inadmiſſible evidence, in the excluſion of irrelevant and ſuperfluous matter, and in other queſtions affecting the regularity and fairneſs of the inveſtigation; as well as in preventing unneceſſary delays, and impediments; the commiſſioners are to be governed by the rules and maxims of juſtice; and in all points, not expreſsly provided for by this regulation, the proviſions contained in the general regulations are to be obſerved, as far as they may appear conſiſtent and applicable.

By whom proceſs for attendance of witneſſes, and other compulſory proceſs, to be ſerved and executed.

By what rules and maxims of juſtice, the commiſſioners to be guided, in queſtions affecting the regularity and fairneſs of their inveſtigation; and in preventing delays and impediments.

Proviſions of the general regulations to be obſerved, as far as applicable, in all points not expreſsly provided for by this regulation.

XIV. On the cloſe of the evidence in ſupport of the proſecution, and in defence of the accuſed, before the commiſſion, it ſhall be at the option of the party accuſed, to record any obſervations upon the reſult of the inquiry, which he may think neceſſary for the vindication of his conduct and character. The accuſer, or the Board of Revenue, or the Board of Trade, in caſes in which the proſecution may be conducted on the part of government, ſhall alſo be at liberty to record any remarks on the ſubject of the proſecution which may be deemed requiſite, for the information of the court of Sudder Dewanny Adawlut, and of the Governor General in Council.

The perſon accuſed, as well as the accuſer, or proſecutor, may record any requiſite obſervations, upon the cloſe of the evidence before the commiſſion.

XV. When the proceedings of the commiſſion ſhall have been concluded, or as ſoon afterwards as circumſtances may admit, the commiſſioner or commiſſioners, ſhall tranſmit to the Sudder Dewanny Adawlut, the whole of the proceedings held, and documents received (accompanied with tranſlations of papers not in the Engliſh language) together with a ſummary of the pleadings

Proceedings to be tranſmitted, and report made, to the court of Sudder Dewanny Adawlut when the inquiry of the commiſſioners is concluded.

pleadings and evidence, and his or their opinion on the merits of the case.

Report and documents to be submitted to the Governor General in Council by the Sudder Dewanny Adawlut, with the opinion of that court upon the proof of the facts charged.

XVI. The judges of the Sudder Dewanny Adawlut, after duly considering the proceedings and report transmitted to them under the preceding section, and after calling for any further evidence which may appear to them attainable and requisite, shall submit the whole of the proceedings and documents received by them to the Governor General in Council; with their opinion, whether any and what facts charged against the party accused appear to have been established.

Final orders to be then passed by government.

And when necessary, instructions will be issued to the law officers of government, for a public prosecution in the Supreme Court.

XVII. The Governor General in Council, on consideration of the report and proceedings submitted to him, in pursuance of the foregoing section, will pass such final orders as may appear to him just and proper; and in the event of his deeming it necessary that the party accused should be brought to trial, by a public prosecution, in the Supreme Court of Judicature, will issue the necessary instructions for that purpose to the law officers of government.

In what cases, false accusers, or informers, will be liable to prosecution for damages.

XVIII. Should the result of any special inquiry, instituted under the provisions of this regulation, shew the charge or information, upon which it may have been ordered, to be altogether without foundation, and more especially if it should appear to have originated in any calumnious or malicious motive, the false accuser or informer, will be liable to prosecution for damages, in any court to which he may be amenable, at the suit of the person against whom the charge or complaint may have been preferred. The Governor General in Council further reserves to himself a power of directing, in any particular case, which may appear to require it, that the expense attending the inquiry, made upon a charge, clearly shewn to be false and unfounded, and evidently known to be such by the accuser, at the time of his accusation, shall be defrayed by him, and recovered, under the orders of the court of Sudder Dewanny Adawlut, by the ordinary process for enforcing a judgment of that court.

And power reserved to government, of ordering, in any particular case that may require it, the expense of the inquiry made, to be defrayed by the false accuser.

XIX.

XIX. Nothing in the preſent regulation ſhall be conſtrued to preclude the Governor General in Council from ordering a public proſecution, in the Supreme Court of Judicature, whenever it may appear to him expedient, without making the ſpecial inquiry herein provided for. Nor will any reſolution or order, which the Governor General in Council may paſs under this regulation, prevent individuals from having recourſe, at all times, to the Supreme Court; in the mode preſcribed by law.

General explanation of the proviſions in this regulation, as not reſtricting public, or private, proſecutions in the Supreme Court, at all times, in the mode preſcribed by law.

A. D. 1806. REGULATION IX

A REGULATION *for giving further effect to the rules paſſed by Government on the 4th July* 1801, *for providing more effectually againſt the illicit manufacture, importation, tranſportation, and ſale of Salt.*—PASSED *by the Governor General in Council, on the 5th of June* 1806, *correſponding with the 23d Jeyte* 1213 *Bengal era, the 4th Aſſar* 1213 *Fuſſily, the 23d Jeyte* 1213 *Willaity; the 4th Aſſar* 1863 *Sumbut, and the 17th Rubbi-ul-Awul* 1221 *Hgeree.*

Preamble

BY Clauſe Second, Section IX, Regulation VI, 1801, all perſons in charge of ſalt in its tranſit by land or water, within the provinces of Bengal, Behar, and Benares, and that part of Oriſſa ſubject to the dominion of the Honorable Company, are required to keep their rowannahs or char chitties with the ſalt; and it is declared, that if the owner or perſon in charge of ſalt, which may have been attached, ſhall aſſert, that he is in poſſeſſion of a proper rowannah or char chitty, which he cannot immediately produce, ſuch aſſertions ſhall not be regarded, and the ſalt ſhall become liable

liable to confiſcation. But it often happens that many boats are laden with ſalt covered by one and the ſame rowannah; ſo that if by any accident a part of a fleet of ſalt boats, ſo circumſtanced, ſhould be ſeparated from the reſt of the boats with which the rowannah may be kept, the part ſo ſeparated muſt neceſſarily become liable to confiſcation under the regulation above quoted; a rigid enforcement of which might operate as a ſerious injury to the proprietor of regular rowannah ſalt; yet it is indiſpenſably neceſſary that all ſalt, in its tranſit from the Honorable Company's golahs, and within the limits of the ſalt chokies, ſhould be conſtantly accompanied with ſome official written document to diſtinguiſh regular from illicit ſalt. With a view therefore to relieve the merchants from the poſſible injurious operation of the beforementioned clauſe, and at the ſame time, to guard againſt the illicit tranſportation of ſalt, the Honorable the Governor General in Council has been pleaſed to enact the following rules, to have effect from the date of their promulgation.

Salt not to be tranſported without a chellaun.

II. *Firſt.* Salt ſhall not be tranſported within the limits of the ſalt chokies by land or by water without a chellaun from the proper officer accompanying it, in addition to the rowannah or char chitty ordered and deſcribed in Section VIII, Regulation VI, 1801.

Salt agents to furniſh it.

Second. The agents of the different ſalt diviſions and other officers in charge of the Honorable Company's ſalt, ſhall furniſh the proprietors, or their agents, of ſalt that ſhall be cleared out from any of the gholah ſtations under their reſpective charge, with a chellaun for every boat, veſſel, or karroo, or diviſion of bullocks, that may be laden with ſalt.

The chellaun to be ſigned by the agent or other European officer;

Third. The chellaun, in all practicable caſes, ſhall be ſigned by the agent, or other European officer, in charge of the golahs, as well as by the darogah, or other head native officer of

Particulars to be ſpecified in the chellaun.

the golah ſtation, at which the ſalt ſhall be delivered. The chellaun ſhall ſpecify the quantity of ſalt laden on the boat, veſſel,

or

or karroo of bullocks; the date of the ſale, and number of the lot, in part or in full of which the ſalt is delivered; the name of the original purchaſer at the ſale, and of the preſent proprietor of the ſalt; the number of the rowannah by which the ſalt is covered, and the total quantity of ſalt covered by the ſame; the name of the gomaſtah who ſhall receive the ſalt, of the proprietor of the boat, veſſel, or karroo of bullocks, on which the ſalt ſhall be laden, and of the manjie, ſerang, or ſirdar, in charge of ſuch boat, veſſel, or karroo; the deſcription, burthen, and number of oars, of the boat or veſſel, and the number of bullocks in the karroo, alſo the place of deſtination of the ſalt.

Fourth. The proprietor of the ſalt, or the perſon receiving the ſame from the golah ſtations on his account, ſhall certify at the foot of the chellaun, that it has been duly and correctly drawn up. Certificate at the foot of the chellaun.

III. All perſons in charge of ſalt are required to keep their chellauns conſtantly on board of their boats or veſſels, or with the bullocks on which the ſalt deſcribed on the chellauns may be laden; to produce the chellauns at a moments warning to any officer of government, duly authorized to attach illicit ſalt, who may demand a ſight of them; and to ſurrender the chellauns to the darogah of the laſt chokey which the ſalt may have to paſs on its route to the place of deſtination. And it is hereby declared, that any ſalt laden on any boat, veſſel, or karroo of bullocks which may be attached, for which a proper chellaun ſhall not be inſtantly produced, or the chellaun accompanying which ſhall not correſpond in every particular with the ſalt which it may accompany, and alſo with the rowannah covering the ſalt, which latter document is required to be produced twenty-four hours after the attachment of the ſalt, unleſs the moſt ſatisfactory reaſons for any further delay in the production of it be aſſigned, ſhall be liable to confiſcation. The chellauns to accompany the boats or bullocks laden with the ſalt to be produced to the officers of government. Caſes in which ſalt is liable to confiſcation.

IV. *Firſt.* It is underſtood to be a common practice with the darogahs Rule reſpecting the examination of ſalt boats and chellauns.

darogahs of the ſalt chokies, inſtead of perſonally examining and cooting ſalt with the aſſiſtance of their mohurrers, to depute peons, or other inferior officers of the chokies, to execute that duty, and to require the merchants, having rowannahs to be endorſed, to bring them to their houſes for that purpoſe.

Second. It is hereby declared, that the chellauns ſhall on no account be demanded, or on any pretence whatever be removed from on board of the boats or veſſels containing the ſalt deſcribed in the chellauns, but it ſhall be the duty of the darogah or mohurrer of each chokey perſonally to examine the ſalt and chellaun on board of every boat or veſſel coming to his ſtation, and having aſcertained that the ſalt and boats or veſſels, correſpond with the deſcription given of them in the reſpective chellauns, to certify the ſame, together with the date of ſuch examination on the back of the chellauns.

Penalty preſcribed in Section XXIX, Regulati n VI, 1801, applicable to perſons engaging in iſſuing clandeſtine or fraudulent chellauns.

V. Any perſon engaging in clandeſtine or frudulent dealings with reſpect to chellauns, ſhall be liable to the penalty preſcribed by Section XXIX, Regulation VI, 1801, for perſons engaged in fraudulent dealings with reſpect to rowannahs and char chitties.

A. D. 1806. REGULATION X.

A REGULATION *for extending to the judicial department ſuch parts of Regulation* VIII, 1806, *as are applicable to charges, or information, againſt the European public officers employed in that department; and for making further proviſion in ſuch caſes.*—PASSED *by the Governor General in Council, on the* 19*th of June* 1806*; correſponding with the* 7*th Aſſar* 1213 *Bengal era; the* 18*th Aſſar* 1213 *Fuſſly; the* 7*th Aſſar* 1213 *Willaity; the* 3*d Aſſar* 1863 *Sumbut; and the* 1*ſt Rubbee-us-Sanee* 1221 *Higeree.*

Preamble.

THE proviſions contained in Section IV, and the ſucceeding Sections of Regulation VIII, 1806, for receiving and inquiring into charges, or information, of corruption, embezzlement, or other high miſdemeanor, againſt the European public officers employed in the revenue and commercial departments, being, with certain modifications, equally applicable to ſimilar charges or information againſt the covenanted ſervants of the Company, holding ſtations of truſt and authority in the judicial department; the Governor General in Council has enacted the following rules, to be in force, as ſoon as promulgated, in the whole of the provinces immediately ſubject to the preſidency of Fort William.

II.

Parts of Section X, Regulation V, 1793, and Section X, Regulation IV, 1803, rescinded.

Also Section VIII, Regulation VI, 1793; and Section VIII, Regulation V, 1803.

II. Such parts of Section X, Regulation V, 1793, and Section X, Regulation IV, 1803, as relate to charges of corruption against the judge of a zillah or city court, preferred to a provincial court of appeal, as well as Section VIII, Regulation VI, 1793, and Section VIII, Regulation V, 1803, relative to charges of corruption against the judge of a zillah or city court, or of a provincial court of appeal, preferred to the court of Sudder Dewanny Adawlut, are hereby rescinded.

Parts of Section IX, Regulation XIII, 1793, and Section XII, Regulation XII, 1803, likewise rescinded.

III. Such parts of Section IX, Regulation XIII, 1793, and Section XII, Regulation XII, 1803, as relate to charges of corruption and extortion against the registers or assistants to the civil and criminal courts; or against any other officers of those courts being covenanted servants of the Company, are also rescinded.

First process to be observed on charges of corruption, embezzlement, or other high misdemeanor, preferred against any of the covenanted servants of the Company employed in the judicial department.

IV. Whenever a charge of corruption, embezzlement, or other high misdemeanor, as described in Section IV, Regulation VIII, 1806, against the register, or assistant to the register, of any zillah or city court, or against an assistant to the magistrate of any zillah or city, may be preferred to the judge of such zillah or city, or to the provincial court of the division in which such zillah or city may be situated; or to the court of Sudder Dewanny Adawlut; and whenever any such charge against the judge or assistant judge, or the magistrate of a zillah or city, or against the register, or assistant to the register, of any provincial court of appeal and circuit, may be preferred to the provincial court, having authority over the judge, magistrate, or other officer so accused; or to the court of Sudder Dewanny Adawlut, and whenever any such charge against the judge of a provincial court of appeal and circuit, or against the register, deputy register, or any assistant to the register, of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, may be preferred to the court of Sudder Dewanny Adawlut; the judge, or judges, of the court receiving any such charge, shall immediately transmit the same (with an English translation, if preferred in any of the country languages) for the information and orders of the Governor General in Council.

V.

To whom the Governor General in Council will refer the charge for inveſtigation, when it may appear requiſite.

V. On the receipt of any charge tranſmitted to the Governor General in Council under the preceding ſection, as well as in all caſes when a charge, or public information of the nature therein deſcribed, againſt any covenanted ſervant of the Company employed in the Judicial Department, may be communicated directly to the Governor General in Council, he will call for any explanation, or cauſe any general previous inquiry to be made, which he may deem proper, on conſideration of the nature and circumſtances of the caſe. If on receipt of ſuch information it ſhall appear to the Governor General in Council to be neceſſary and proper, either from the importance or nature of the charge, to cauſe a further inquiry to be made, he will refer the charge for inveſtigation to any of the eſtabliſhed courts of judicature, or to a ſpecial commiſſion, conſiſting of one or more of the judges of thoſe courts, or any other perſon or perſons whom he may judge it expedient to appoint for the purpoſe.

Oath to be taken by any ſpecial commiſſioners, to whom the charge may be referred for inquiry.

VI. When a charge, received under this regulation, may be referred for inquiry to any ſpecial commiſſion, not being one of the eſtabliſhed courts of judicature, the commiſſioner or commiſſioners, previouſly to entering upon the performance of the duty committed to him or them, ſhall take and ſubſcribe, before ſuch perſon or court, as the Governor General in Council may direct to adminiſter it, the oath preſcribed in Section VI, Regulation VIII, 1806.

What parts of Regulation VIII, 1806, to be applied to charges referred for inquiry under this regulation.

VII. The proviſions contained in Sections VII, VIII, XII, XIII, XIV, XV, XVI, XVII, XVIII, and XIX, of Regulation VIII, 1806, ſhall alſo be applied to the inveſtigation of any charges referred for inquiry by the Governor General in Council, under the preſent regulation.

Perſons accuſed to be ſuſpended.

VIII. Whenever a charge may be referred for inveſtigation, after the general previous enquiry mentioned in Section V, of this regulation, either to any of the eſtabliſhed Courts of Judicature

cature or to a ſpecial commiſſion, the officer accuſed ſhall be ſuſpended from the diſcharge of the functions of his ſtation, and he ſhall, at the ſame time, be ſuſpended from the receipt of the ſalary and allowances attached to ſuch ſtation. But if the charge be found, on inquiry, to have no foundation, the Governor General in Council, on reſtoring the ſuſpended officer to the exerciſe of the functions of his ſtation, will order payment of the whole of his ſalary and allowances, from the date of his ſuſpenſion, in like manner as if it had never taken place.

Diſcretion reſerved to the Governor General in Council of ordering a proſecution of the charge on the part of government, and by whom to be conducted in ſuch caſes.

IX. When a charge may be referred for inquiry under this regulation, the Governor General in Council will determine, whether the conduct of the proſecution ſhall be left to the accuſer; or be undertaken on the part of Government. In the latter caſe, the Governor General in Council will appoint a committee, conſiſting of ſuch of the public officers at the preſidency, as he may judge proper, to digeſt and prepare the charge or charges, from the papers received, and any further information obtainable from the accuſer, or from any other ſource; and to bring the evidence in ſupport of the accuſation in due order before the court or commiſſion. The Governor General in Council will at the ſame time nominate, either the regiſter of the provincial, zillah, or city court, where the enquiry is to be made, or ſuch other perſon as may be deemed proper to conduct the proceedings on the part of the proſecution, under the orders of the ſaid committee, with the aid of the vakeel of Government. The perſon or perſons by whom the charge or information ſhall have been exhibited, may alſo be examined upon oath, on the part of the proſecution.

Security for proſecuting the charge, not to be demanded in the firſt inſtance.

But may be required, if neceſſary, at any time in the courſe of the inquiry.

X. Security ſhall not be demanded, in the firſt inſtance for the proſecution of any charge received under this regulation. But in the event of its appearing neceſſary, at any time in the courſe of the inquiry, ſufficient hazirzaminy ſecurity may be required from the accuſer, to attend and proſecute the charge

to

to a concluſion. This proviſion ſhall alſo be conſidered applicable to charges againſt the public officers of the revenue and commercial departments referred for ſpecial inquiry under regulation VIII, 1806; as well as to charges of corruption and extortion againſt the Hindoo and Mahomedan law officers, and the native miniſterial officers, of the civil and criminal courts in qualification of the rules, contained in Regulations XII and XIII, 1793, and Regulations XI and XII, 1803. whereby ſecurity is required for the proſecution of a charge of corruption or extortion againſt any ſuch officer, previouſly to the charge being received.

This proviſion declared applicable to charges referred for inquiry under Regulation VIII, 1806. And to charges of corruption and extortion againſt the native law officers and miniſterial officers of the civil and criminal courts.

A. D. 1806. REGULATION XI.

A REGULATION *for facilitating the progreſs of detachments of troops, through the Company's territories; for affording any requiſite aſſiſtance to perſons travelling through thoſe territories; and for extending the rules contained in Sections* LXVIII, *and* LXXII, *Regulation* XXII, 1795, *in Clauſes Fifth and Sixth, Section* XIV, *Regulation* VIII, 1805, *and in Section* XXXI, *of that regulation, to the whole of the Company's provinces, ſubject to the immediate Government of the preſidency of Fort William; for the guidance of the civil officers in applying for guards from the regular battalions; and for modifying the rule contained in Clauſe First, Section* XII, *Regulation* I, 1804.—PASSED *by the Governor General in Council, on the* 3*d of July* 1806; *correſponding with the* 21*ſt Aſſar* 1213 *Bengal era; the* 3*d Sawun* 1213 *Fuſſily; the* 21*ſt Aſſar* 1213 *Willaity; the* 2*d Sawun* 1863 *Sumbut; and the* 15*th Rubee-us-sanee* 1221 *Higeree.*

Preamble.

WHEREAS it is expedient to enact into a regulation, for general information and obſervance, the rules which have

have been eſtabliſhed by Government at different times, (with ſuch amendments as have been deemed neceſſary) for facilitating the progreſs of military detachments through the Company's provinces; for aſcertaining and defraying any neceſſary expenſe incurred for that purpoſe; and for providing a compenſation, when any material damage may be ſuſtained in the cultivation of the country from the march or encampment of troops; and whereas it has alſo been judged proper to empower the local officers of police to afford ſuch reaſonable aſſiſtance as may be required by travellers (whether European or native) proceeding through their reſpective juriſdictions in procuring the means of proſecuting their journies; And whereas it is further neceſſary to extend to the other provinces, under this preſidency (with modifications) the rules eſtabliſhed, in the province of Benares by Sections LXVIII, and LXXII, Regulation XXII, 1795, prohibiting with certain exceptions, the uſe of the uniform of the Company's native troops; the ſending of ſepoys or laſcars into villages for the purpoſe of procuring proviſions; or of preſſing coolies and boatmen, and the employing of badged peons, or other public ſervants wearing badges; as well as the rule eſtabliſhed, in the ceded and conquered provinces, by Clauſes Fifth and Sixth, Section XIV, Regulation VIII, 1805, for the trial and puniſhment of military guards in charge of priſoners who may eſcape; and likewiſe the rule contained in Section XXXI, Regulation VIII, 1805, for promulgating the regulations in the country language; And whereas it is likewiſe neceſſary that fixed and defined rules ſhould be eſtabliſhed for the guidance of the magiſtrates and other civil officers in applying for detachments, guards, or eſcorts for the public ſervice from the regular battalions; and whereas it has been judged adviſable to modify the rule contained in Clauſe Firſt, Section XII, Regulation I, 1804: The following rules have been enacted; to be in force throughout the whole of the provinces ſubject to the immediate Government of the preſidency of Fort William, (according as ſuch rules may be applicable to the ſaid provinces reſpectively) from the date of their promulgation.

II.

Timely notice to be given to collectors and magiſtrates, by officers commanding detachments, proceeding through any part of the Company's territories.

II. Whenever a detachment of troops, or a ſingle corps, ſhall be ordered to proceed, by land or by water through any part of the Company's territories, the commanding officer of ſuch detachment, or corps, is required to give the earlieſt practicable notice to the collectors of the revenue of the zillahs, through which the troops are to paſs, of the probable time of their arrival within ſuch diſtricts reſpectively; together with information of the probable period of their arrival at the particular places where ſupplies may be required, and a ſpecification of the ſupplies which will be wanted. The commanding officer will likewiſe notify to the collectors, the probable period of the arrival of the troops at the rivers, or nullahs, interſecting their march, where boats or temporary bridges may be neceſſary for croſſing the troops and the baggage attached to them. The commanding officer will, at the ſame time, communicate to the magiſtrates of the zillahs, through which the troops are to paſs, the probable time of the arrival of the troops within their reſpective juriſdictions.

In what manner the collector ſhall proceed, on receiving the above notice.

III. *Firſt.* On receiving the notification mentioned in the foregoing ſection, the collector ſhall immediately iſſue the neceſſary orders to the landholders, farmers, tehſeeldars, or other perſons in charge of the lands through which the troops are to paſs, for providing the ſupplies required; and for making any requiſite preparations of boats or temporary bridges, or otherwiſe, for enabling the troops to croſs ſuch rivers or nullahs as may interſect their march without any impediment or delay. The collector ſhall, at the ſame time, depute a creditable native officer to accompany the troops through his juriſdiction, for the purpoſe of aiding in procuring the neceſſary ſupplies, and of facilitating the march of the troops. It ſhall alſo be the duty of ſuch native officer to provide the troops with whatever bearers, coolies, boatmen, carts and bullocks, may be indiſpenſably neceſſary to enable the troops to proſecute their route. Should he experience any difficulty in the performance of this duty, he is at liberty to apply for aſſiſtance to the neareſt police officer, who is directed to afford his

Police officers to aſſiſt in providing bearers, coolies, boatmen, carts, and bullocks.

his aid in providing the number of perſons, and of carts and bullocks, required.

At what rates, ſupplies furniſhed to troops marching through the Company's territories, ſhall be paid for.

Second. The ſupplies furniſhed, under the foregoing clauſe (including earthen pots, firewood, and every article of ſupply) ſhall be paid for by the perſons receiving the ſame, at the current bazar prices of the place at which they may be provided: and

Commanding officers to make immediate inquiry into complaints preferred to them againſt perſons under their command.

all officers commanding detachments of troops, or ſingle corps marching through any part of the Company's territories, are enjoined to make immediate inquiry into any complaints which may be preferred to them by the perſons furniſhing ſuch ſupplies, or in their behalf againſt any perſon or perſons under their command, and to afford ſuch redreſs to the complainants as the nature of the caſe may appear to require.

Certificate to be granted by the officer, when troops ſhall be provided with boats, bridges, or other accommodations, under this regulation, to enable them to proſecute their route.

IV. *Firſt.* Whenever a detachment of troops, or a ſingle corps, ſhall be provided with boats, temporary bridges, or other accommodations, by any landholder, farmer, tehſeeldar, or other perſon, conformably to the orders of the collector of the zillah, for the purpoſe of croſſing the troops and their baggage over rivers or nullahs, the commanding officer of ſuch detachment, or corps, will grant a certificate to the perſon furniſhing the ſame, ſpecifying the number of boats and perſons employed, the burthen of each boat, and how long employed on the public ſervice. In inſtances in which temporary bridges may be conſtructed for the above purpoſe, the certificate to be granted by the commanding officer, is to ſpecify, generally, the dimenſions of the bridges and the materials of which they may be compoſed.

Such certificate to be tranſmitted to the collector by the perſon receiving it, with a detailed account of the expenſe incurred.

The account to be tranſmitted by the collector to the commanding officer.

Second. The certificate mentioned in the foregoing clauſe, ſhall be immediately tranſmitted to the collector of the zillah, by the perſons receiving it; accompanied by a detailed account of the expenſe incurred for the purpoſes therein ſpecified. The collector ſhall, without delay, communicate the particulars of the account to the officer commanding the detachment, or corps, on whoſe

account

account the expence may have been incurred, who ſhall certify, generally thereon whether the ſervices charged for in it were performed, or ſhall ſtate ſuch exceptions as he may have to offer to any of the charges.

what to be certified thereon by the commanding officer.

Third. When the account abovementioned ſhall be returned to the collector, he ſhall certify, whether the ſums and rates charged in it are, in his opinion, reaſonable, and conformable to the uſual rates of labour and hire in the zillah; and ſhall tranſmit the account, with the vouchers and certificates relating to it, with any requiſite obſervations thereupon, through the preſcribed channel, to the Governor General in Council. After the account ſhall have undergone the examination and report, preſcribed for all military contingent charges, the Governor General in Council will paſs ſuch final order as may appear proper. In the mean time the collector is empowered, in ſuch caſes, to pay the amount of the charge, or ſuch proportion of it as he may conſider reaſonable, to the landholder, farmer, or other perſon entitled thereto; inſerting the amount ſo diſburſed by him at the foot of his treaſury account, in explanation of his treaſury balance, in the mode preſcribed for ſimilar caſes.

The account and vouchers to be tranſmitted by the collector, with his report on the charges through the preſcribed channel to the Governor General in Council.

In the mean time, the collector is empowered to pay ſuch proportion of the charge as he may conſider reaſonable;

inſerting the amount at the foot of his treaſury account.

V. *Firſt.* Whenever a proprietor, farmer, tenant, or manager of land through which any detachment, or corps, of the Company's troops may march, or on which they may be encamped, ſhall conſider himſelf entitled to compenſation for any injury ſuſtained from the march, or encampment of the troops, he ſhall immediately furniſh the commanding officer of ſuch troops with as accurate a ſtatement as can be prepared of the nature and extent of the injury ſuſtained; when the commanding officer is required to certify generally thereon, whether or not the damage repreſented to have been ſuſtained has been actually committed, together with his opinion reſpecting the juſtice and extent of the claim.

In what manner landholders and other perſons farming or holding land, are to proceed who ſhall have ſuſtained any injury from the march or encampment of troops.

Certificate to be granted by the commanding officer on ſuch occaſions.

Second

The person receiving such certificate is at liberty to present the same with a statement of his claim, to the collector within ten days from the date of the certificate

Second. If the proprietor, farmer, tenant, or manager, after receiving such certificate, shall consider himself entitled to compensation, he will be at liberty to present the statement of his claim with the commanding officer's certificate thereon, to the collector of the zillah (either in person or by his vakeel) within ten days from the date of the certificate, but no claim of this description shall be received by the collector, after the expiration of that period, unless the person preferring it shall assign good and satisfactory reason for the delay. The collector on receiving a statement of damage, and the commanding officer's certificate thereon, within the prescribed period, or afterwards, if sufficient reason be assigned for the delay, shall forthwith adopt such measures as may appear requisite to ascertain whether or not the claim be well founded; and shall report his proceedings to the Board of Revenue, accompanied by his opinion on the merits of the claim, for the consideration and orders of government. It is however declared, that no claim will be received, unless accompanied by the prescribed certificate of the commanding officer of the troops by whom the damage may be stated to have been committed; excepting in instances in which the claimant can show good and sufficient cause for not having obtained such certificate. In such cases, if the collector shall be satisfied with the cause assigned by the claimant for not having obtained the prescribed certificate, he shall transmit the petition and statement of the claimant to the officer commanding the troops by whom the damage may be stated to have been committed, and shall wait his reply thereto previously to determining whether or not the claim be entitled to investigation.

Exception to the foregoing rules.

Rule for the conduct of the collector, on receiving such statement and certificate.

To report his proceedings to the Board of Revenue, for the orders of Government.

With the exception specified in this clause, no claim will be received, unless accompanied by the prescribed certificate of the commanding officer.

In what manner the magistrates are to act, on receiving the notice mentioned in Section II.

VI. Immediately on receiving the notification mentioned in Section II, the magistrate shall transmit orders to the several police darogahs or other local officers of the police, through whose jurisdiction the troops are to pass, to afford every assistance in their power to facilitate the march of the troops through their respective jurisdictions; and to co-operate, as far as neces-

In what manner police officers are to

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ſary with the perſon deputed on the part of the collector, in procuring the requiſite ſupplies; as well as in adjuſting any diſputes which may ariſe reſpecting the prices of the articles furniſhed, and in preventing any alarm to the inhabitants of the country.

aſſiſt, in facilitating the march of troops.

VII. Officers commanding detachment of troops, or ſingle corps, on their march through any part of the Company's territories, are already required, by the general orders, iſſued under date the 1ſt of February 1788, to report to the Commander in Chief, in what manner the troops have been ſupplied, in paſſing through the diſtricts lying in the route. In like manner, the collectors are directed to report to the Board of Revenue, and the magiſtrates to report to the Nizamut Adawlut, for the information of the Governor General in Council, any complaint which may be made to them of the miſbehaviour of the troops, when ſuch complaints ſhall appear to be well founded, and of ſufficient importance to require communication to government.

What report is to be made to the Commander in Chief by officers commanding troops on their march, through the Company's territories.

In certain caſes any miſbehaviour of the troops to be reported by the collectors to the Board of Revenue, and by the magiſtrates to the Nizamut Adawlut for the information of government.

VIII. Whenever any military officer, not commanding, nor proceeding with a corps, or detachment of troops, or any other perſon, (whether European or native) not reſtricted by government from paſſing through the country, may be proceeding within any part of the Company's provinces, either on the public ſervice, or on his private affairs, and ſhall be in need of aſſiſtance, during his route, to enable him to proſecute his journey, he ſhall be at liberty to apply to the neareſt local officer of police, to aid him in providing any requiſite bearers, coolies, boatmen, carts, or bullocks, or any neceſſary ſupplies of proviſions, or other articles; on receiving an application of the above nature, the police officer to whom it may be made, ſhall furniſh the aid required, or cauſe it to be furniſhed by the proper perſon or perſons; provided that a ſufficient number of perſons who have been accuſtomed to act as bearers, coolies, or boatmen, or the requiſite number of carts and bullocks, not excluſively appropriated to the purpoſes of agriculture, and occaſionally let for hire, can be procured within his juriſdiction,

Police officers are empowered, in caſes of neceſſity, to aſſiſt travellers in proſecuting their route.

In what manner ſuch aſſiſtance ſhall be afforded.

jurisdiction. But all police officers are strictly forbidden, under pain of dismission from office, ~~(under the rules preferibed by Regulation V, 1804)~~ on applications of the above nature, to compel any persons not accustomed to act as bearers, coolies, or boatmen, to serve on such occasions, or to furnish a traveller, or cause him to be furnished, with bullocks or carts, kept for private use and not for hire, or exclusively appropriated to the purposes of agriculture. Persons so employed, and the persons in charge of carts and bullocks so provided, shall be at liberty to return from the first police station in the next zillah, through which the corps or detachment is to march, unless a voluntary engagement to the contrary may be entered into by such persons. The police officers are further enjoined to be careful, that a proper compensation for the bearers, coolies, boatmen, carts, or bullocks employed, and a just price for the provisions or other articles provided, be secured to the persons entitled thereto. For this purpose, the police officers are authorized to adjust the rate of hire to be paid for the bearers, coolies, boatmen, carts, or bullocks, required, and the price of any articles provided; as well as to demand, that the whole, or a part, according to the circumstances of the case, be paid in advance. Should any traveller refuse to comply with the adjustment or demand so made by a police officer, he will not be entitled to any assistance from the officers of government under this regulation.

Persons and carts and bullocks, of certain descriptions, not to be employed in furnishing such assistance. Penalty for a breach of the above rule.

Persons employed, under this section, to be at liberty to return from the first police station in the next zillah, unless they may have engaged to the contrary.

On what conditions assistance will be afforded to travellers.

IX. *First.* The rules contained in the following clauses, which have been already established in the province of Benares, by Sections LXVIII and LXXII, Regulation XXII, 1795, are hereby extended, with amendments, to the whole of the territories under this presidency.

Prohibition against private servants appearing dressed like sepoys and lascars, with certain exceptions.

Second. All persons, whether European or native, within the Company's provinces (excepting such privileged persons as the government may specially exempt from the operation of the rule contained in this section) are positively forbidden to dress any of

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their ſervants, either for the purpoſe of parade or of buſineſs, in the uniform of the Company's ſepoys and laſcars, or in a dreſs ſo nearly approaching to that uniform, as to enable the perſons wearing it, to impoſe themſelves on the country people for ſepoys and laſcars.

Third. All natives, excepting thoſe actually in the military ſervice of the Company, or belonging to perſons ſpecially exempted by government from the operation of this rule, are forbidden to wear a dreſs ſimilar to that mentioned in the foregoing clauſe.

The above rule extended to all natives, with certain exceptions.

Fourth. Officers of every deſcription, employed in the ſervice of the Company, who are allowed eſtabliſhments of burkundauzes, peons, and pykes, in their official capacity, or who may have occaſion to employ perſons of any of thoſe deſcriptions, in ſuch capacity, are prohibited from clothing them with a military dreſs.

Officers of every deſcription not to clothe their public ſervants with a military dreſs.

Fifth. Native officers and ſepoys, excepting ſubadars, jemadars and ſerangs, even though in the ſervice of the Company, who may temporarily reſide or have occaſion to travel in the interior parts of the country, unleſs employed on the public ſervice, are forbidden to wear their uniform coats.

Native officers, with certain exceptions, forbidden to wear the military dreſs, except when employed in the public ſervice.

Sixth. With the view of giving full effect to the orders contained in the preceding clauſes, the military commanding officers of ſtations, and of detachments, in the interior parts of the country, and the ſeveral zillah and city magiſtrates, are hereby authorized and required, to deprive of a military dreſs any perſon who ſhall wear it contrary to theſe orders; (unleſs it ſhall appear, that ſuch perſon is in the military ſervice of the Company;) in which caſe he ſhall be ſent to the corps to which he may belong, with a written complaint againſt him. The local officers of police are alſo empowered and directed to apprehend all perſons of the above deſcription, and to ſend them to the magiſtrate, who will deal with them in the manner above preſcribed.

What officers are empowered to deprive of a military dreſs, any perſons who ſhall wear it in oppoſition to theſe orders.

Police officers to apprehend and ſend up the magiſtrate, perſons of the above deſcription.

All perſons to whom eſcorts may be allowed, are forbidden to ſend ſepoys or laſcars into the villages, to procure proviſions, or to preſs bearers, coolies or boatmen.

Seventh. Military officers, or other perſons, to whom eſcorts may be allowed, when travelling through the country by land, or proceeding by water, are forbidden to ſend ſepoys or laſcars into the villages, for the purpoſe of procuring any ſort of proviſions, or of preſſing bearers, coolies, or boatmen. Every local officer of police, upon proper application, will, under Section VIII, of this regulation, grant ſuch aſſiſtance as he may be able to afford; and all violent meaſures, therefore, will be conſidered equally illegal and unneceſſary.

No perſon excepting the public officers of government, to diſtinguiſh his ſervants with badges.

Eighth. No perſon ſhall be allowed to diſtinguiſh his burkundauzes, peons, pykes, or other ſervants, with badges, except the public officers (civil or military) employed in the ſervice of the Company, who are allowed eſtabliſhments of burkundauzes, peons, or pykes, in their official capacity, or who may have occaſion to employ perſons of thoſe deſcriptions, in the public ſervice. The ſeveral zillah and city magiſtrates are empowered and directed to apprehend any perſon, (not being in the ſervice of a public officer of the government, authorized to entertain ſuch ſervants) who ſhall wear a badge, in oppoſition to the prohibition contained in this clauſe, and to deprive him of the badge. The local officers of police are alſo authorized and directed to apprehend perſons of the above deſcription, and to ſend them to the magiſtrate, by whom the offender will be dealt with as above directed. Any European, not being a public officer of the government to whom any of ſuch deſcriptions of public ſervants are allowed, employing badged peons, or other deſcriptions of ſervants wearing badges, contrary to this prohibition, will be liable to the ſevere diſpleaſure of government, on repreſentation of the circumſtances of the caſe by the magiſtrate, who is directed to report all ſuch inſtances, for the information and orders of the Governor General in Council.

The magiſtrates to apprehend and deprive perſons of their badges, who ſhall wear badges contrary to the above prohibition.

The police officers to apprehend perſons of the above deſcription, and ſend them to the magiſtrate.

The magiſtrates to report to government every inſtance of any European not being a public officer employing ſervants with badges.

X. *First.* The rules contained in the following clauſes, which have been already eſtabliſhed in the ceded and conquered provinces by Clauſes Fifth and Sixth, Section XIV, Regulation VIII, 1805,

Proviſion for the trial and puniſhment of military guards in charge of convicts by mar-

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are hereby declared to be in force throughout the reſt of the Company's territories under this preſidency. Mil law, in certain caſes.

Second. Proviſion is made by Section VI, Regulation II, 1799, for the puniſhment of guards in charge of convicts who may have eſcaped, and, in certain caſes, for committing or holding ſuch guards to bail for trial before the court of circuit. This proviſion is extended to guards in charge of priſoners who may eſcape from their cuſtody, whether before or after conviction; but ſhall not be conſidered applicable to military guards from the provincial battalions, (while ſuch battalions continue ſubject to military law) or from any regular corps of the army. Whenever it ſhall appear to the magiſtrate, that a guard furniſhed from any of the regular battalions, from any provincial battalion, or from any other corps ſubject to martial law, has been guilty of wilful neglect in guarding the priſoners under his charge, or of connivance at the eſcape, or the attempt to eſcape, of any priſoner, or of any other act of a criminal nature, in the diſcharge of his duty, the magiſtrate ſhall cauſe the offender to be delivered over to the officer commanding the provincial battalion, or the detachment to which he may belong, with a charge in writing that he may be tried, and puniſhed, on conviction, by a court martial.

Third. The mode of proceeding againſt military guards, directed in the preceding clauſe, ſhall be obſerved with reſpect to any other offence involving a breach of military duty, and properly cognizable by courts martial, but ſhall not be held applicable to any criminal charge againſt ſuch guards or other ſepoys, whether belonging to the provincial battalions or regular corps of the army, which may not involve a breach of military duty, and the cognizance of which may therefore appertain to the civil courts. The foregoing rule not applicable to charges againſt ſuch guards, which are cognizable in the civil courts.

XI. On receiving tranſlations in the country languages, of the preſent regulation, the magiſtrates of the ſeveral zillahs and Meaſures to be adopted by the magiſtrates and collectors for

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Promulgating their regulation.

cities shall transmit copies to the local officers of police; and the collectors shall furnish copies to the principal landholders, farmers, tehsseldars, and managers of estates, within their respective jurisdictions; with directions to publish and exhibit the same in their cutcherries, for general information.

XII. *First.* The following rule, contained in Section XXXI, Regulation VIII, 1805, for the ceded and conquered provinces, is hereby extended to the remainder of the Company's territories under this presidency.

Rules to be observed by the judges and magistrates, for the purpose of promulgating the regulations.

Second. On receipt of translations of the regulations in the country languages, the zillah and city judges and magistrates shall cause the same to be publicly read in their cutcherries; and shall require the native pleaders of their respective courts to take copies of the translations of any regulations which relate, directly or indirectly, to the administration of civil justice. The judges shall also cause the copies, which by Section X, Regulation XXXIX, 1793, (extended to Benares by Regulation XLIX, 1795,) they are required to furnish to the cazees stationed in the several towns and pergunnahs within their respective jurisdictions, to be read and published, for general information, at the cutcherries of the native commissioners, empowered to act as munsiffs, and of the police darogahs, or tehsseldars in charge of the police.

Rules for the guidance of the civil officers in applying for guards and detachments from the regular corps of the army, and for the guidance of the military officers commanding corps in such cases.

XIII. It being necessary, in consequence of the reduction of the provincial battalions in the upper provinces, that rules should be established for the guidance of the magistrates, and of the other civil officers in the several zillahs, in applying for guards or detachments from the regular corps, for the support of the police, or for other duties connected with their public situations; and likewise for the guidance of the military officers commanding the corps, from which such guards or detachments are to be furnished; the following rules have been accordingly enacted.

XIV. *First.* Whenever the magiſtrates may require detachments of troops from the regular battalions, for the apprehenſion of public offenders, or for the maintenance of the peace in their reſpective diſtricts, they ſhall ſtate in writing, as fully and circumſtantially as may be practicable, the nature of the ſervice required to be performed, to the officer commanding the corps or companies, from which the detachment is to be furniſhed; leaving it to the commanding officer, on a conſideration of the circumſtances ſtated, to judge of the ſtrength of the force which ſhould be employed in the execution of the duty in queſtion.

Applications to be made in writing, ſtating the ſervice to be performed, and military officers to determine the force requiſite for ſuch ſervice.

Second. The power veſted in the ſeveral magiſtrates by the foregoing rule, being founded upon the nature and exigency of the caſe, which may frequently require promptitude and deciſion, and will ſeldom admit of a reference to government; it ſhall be the duty of officers commanding corps and detachments, immediately to furniſh the neceſſary military aid, whenever applications may be regularly and publicly made to them by the magiſtrates for troops, for the maintenance of the peace, or for the ſupport of the general police of the country. By thoſe means, the reſponſibility of calling in the aid of the military, will reſt with the civil magiſtrates; and the allotment of the force will depend upon the officers commanding troops; who are not, however, on occaſions of this nature, to exerciſe any diſcretion in granting or withholding the required aid. But as it is, at the ſame time, eſſential to reſtrict the employment of military force to caſes of abſolute neceſſity, the magiſtrates are hereby enjoined to confine their requiſitions for military force, to caſes of that deſcription, and to report to government, whenever they may apply for military aid, under the rule contained in this ſection; at the ſame time, furniſhing the Governor General in Council, with the neceſſary information reſpecting the circumſtances upon which the application for ſuch aid may have been grounded.

Civil magiſtrates reſponſible for calling in the aid of the military, in caſes of emergency, and military officers not to exerciſe any diſcretion in granting or withholding ſuch aid. Report to be made to Government by the magiſtrates.

Third. The officers commanding troops, by whom ſuch detachments

Military officers to report their

Compliance with such applications, to the Commander in Chief.

tachments may be furniſhed, in purſuance of the applications of the magiſtrates, ſhall immediately tranſmit the neceſſary reports thereof to the Commander in Chief.

Rules for ſupplying the permanent guards required by the ſeveral civil officers.

XV. *Firſt.* The permanent guards required by the magiſtrates, by the collectors of the land revenue and cuſtoms, by the commercial reſidents, and by any other public officers authorized to require ſuch guards for the protection of the public treaſuries, ſtores, or other property, ſhall be in future furniſhed in the ceded and conquered provinces from the regular battalions. The civil officers requiring permanent guards, ſhall accordingly ſtate fully and circumſtantially, the nature of the ſervice neceſſary to be performed, to the officer commanding the corps from which the guards are to be furniſhed. On receipt of ſuch information, the commanding officer ſhall furniſh guards of ſuch ſtrength as he may deem neceſſary; provided that no public objection ſhall occur to a compliance with the application, and that he ſhall be ſatisfied, that the civil officer from whom the application may have been received, was entitled to make it by the general rules and uſages of the ſervice. But as the ſame neceſſity does not exiſt for veſting the magiſtrates and other public officers, in caſes of this nature, with the extenſive powers entruſted to the magiſtrates in the caſes deſcribed in Section XIV, of the preſent regulation, the commanding officer ſhall be at liberty, in caſe he ſhall deem it neceſſary or proper on any public grounds, to ſuſpend compliance with the application, and to refer the caſe to the Commander in Chief, who will forward the repreſentation to government for its deciſion, or paſs ſuch orders on the ſubject as may appear to him to be proper. With the view likewiſe of preventing abuſe of the powers veſted in the civil officers, in applying for guards from the regular battalions, the magiſtrates and other officers in the judicial department ſhall, on the receipt of the preſent regulation, tranſmit to the Governor General in Council, a ſtatement of the permanent guards employed or required by them, for his conſideration and orders. In like manner, the

officers

officers in the revenue and commercial departments ſhall tranſmit to the Board of Revenue, and Board of Trade, a ſtatement of the permanent guards required by them in the diſcharge of the duties of their reſpective offices; and the Board of Revenue, and Board of Trade, ſhall forward the ſtatements required from the officers acting under their authority, with any remarks which they may deem neceſſary for the conſideration and orders of government.

Second. When the permanent guards required by the different officers in the civil department of the ſervice ſhall have been fixed under the rule contained in the preceding ſection, no augmentation ſhall be made in the number or ſtrength of ſuch guards without the expreſs ſanction of the Governor General in Council.

Permanent guards not to be increaſed without the previous ſanction of Government.

XVI. The temporary eſcorts which may in future be required by the magiſtrates, by the collectors of the land revenue and cuſtoms, by the commercial reſidents, and by any other public officers authorized to require military aid, for the remittance of treaſure, of ſtores, or of other public property; or for other purpoſes connected with their reſpective official ſituations, are in future to be furniſhed in the upper provinces, from the regular battalions. The civil officer requiring any ſuch eſcort, is accordingly to ſtate fully and circumſtantially, the nature of the ſervice neceſſary to be performed, to the officer commanding the corps, from which the required eſcort is to be furniſhed. On receipt of ſuch information, the commanding officer ſhall furniſh an eſcort of ſuch ſtrength, as he may deem neceſſary, for the performance of the duty in queſtion; provided that no ſubſtantial public objection ſhall occur to a compliance with the application, and that he ſhall be ſatisfied, that the civil officer from whom the application may have been received, was entitled to make it by the general rules and uſages of the ſervice. But if not, the commanding officer ſhall be at liberty to ſuſpend compliance with the application, and to refer the caſe to the Commander in Chief,

Rules for ſupplying civil officers with temporary eſcorts.

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who will forward the repreſentation to Government for its deciſion, or paſs ſuch orders on the ſubject as may appear to be proper.

Civil officers in the judicial, revenue, and commercial departments to ſend monthly ſtatements of guards, detachments, and eſcorts, employed by them, to government, the boards of Revenue and Trade reſpectively.

XVII. It ſhall be the duty of the magiſtrates and other officers in the judicial department to tranſmit to government, on the firſt of each month, a ſtatement of the guards, detachments, and eſcorts employed by them in the preceding month. The collectors, commercial reſidents and other officers in the revenue and commercial departments, ſhall in like manner tranſmit to the Board of Revenue and Board of Trade, on the firſt of each month, a ſtatement of the guards, detachments, and eſcorts employed by thoſe officers reſpectively in the preceding month; and the Board of Revenue and Board of Trade are hereby required to report to government whenever they may be of opinion, that the guards, detachments, or eſcorts employed by the officers ſubject to their control, were not requiſite for the public ſervice.

The foregoing rules framed chiefly with reference to the ceded and conquered provinces.

XVIII. The foregoing rules have been framed, chiefly with a reference to the ceded and conquered provinces, in which the military duties connected with the offices of the magiſtrates, collectors, and other public officers in the civil branch of the ſervice, are to be performed by the men of the regular corps. Provincial battalions having been eſtabliſhed in the provinces of Bengal, Behar, Oriſſa, and Benares, for the diſcharge of thoſe duties, it can ſeldom, if ever, be neceſſary for the magiſtrates, collectors, and other civil officers in thoſe provinces to apply for guards or detachments from the regular battalions. Should any emergency, however, at any time occur, to render the ſervices of the regular corps neceſſary for the maintenance of the internal peace of the country, or for any other public duty connected with the ſituations of the magiſtrates or other civil officers; thoſe officers, and likewiſe the officers commanding corps and detachments in the provinces of Bengal, Behar, Oriſſa, and Benares, are to conform to the rules contained in Sections XIV, XV, and XVI, of the preſent regulation.

Similar rules to be obſerved by the civil and military officers in the lower provinces in caſes wherein the former may have occaſion to apply for military aid.

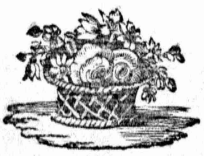
XIX.

XIX. The foregoing rules are not to be conſidered applicable to the preſidency ſtation. Whenever guards, detachments, or eſcorts may be required by the magiſtrates of Calcutta, and of its vicinity, or by any of the other civil officers, for the diſcharge of any public duty connected with their reſpective official ſituations, they are to make the neceſſary application for that purpoſe, agreeably to former uſage, to the Governor General in Council, through the channel preſcribed for conducting the public correſpondence.

The foregoing rules not applicable to the preſidency ſtation; applications for guards, &c. in Calcutta or its vicinity, how to be made.

XX. By Clauſe Firſt, Section XXII, Regulation I, 1804, it is enacted, that all native commiſſioned, and non-commiſſioned officers, who may be transferred to the invalid jagheerdar eſtabliſhment, ſhall not be conſidered to be entitled to the reduced pay of their rank, nor to any other pecuniary allowance from government. With the view of promoting the convenience and happineſs of the native commiſſioned and non-commiſſioned officers, who may be transferred to that eſtabliſhment, the above reſtriction is hereby annulled; and ſuch officers ſhall in future be entitled to the reduced pay of their rank, at the eſtabliſhed rates, in addition to the benefits which they derive from the lands aſſigned to them.

Reſtriction contained in Clauſe Firſt, Section XXII. Regulation I, 1804, annulled, and native commiſſioned and non-commiſſioned officers transferred to the invalid jageerdar eſtabliſhment, entitled to the reduced pay of their rank at the eſtabliſhed rates.



A. D. 1806. REGULATION XII.

A REGULATION *for annexing the pergunnahs of Sonk, Sonsa, and Sahar, situated on the right bank of the river Jumna, to the jurisdiction of the zillah of Agra, and for extending to those pergunnahs, the laws and regulations established for the internal Government of the ceded and conquered provinces.*—PASSED *by the Governor General in Council, on the* 3*d of July* 1806; *corresponding with the* 21*st Affar* 1213 *Bengal era; the* 3*d Sawun* 1213 *Fussily; the* 21*st Affar* 1213 *Willaity; the* 2*d Sawun* 1863 *Sumbut; and the* 10*th Rubbee-us-Sanee* 1221 *Higeree.*

Preamble.

WHEREAS the pergunnahs of Sonk, Sonsa, and Sahar, forming part of the territories situated on the right bank of the Jumna, which were ceded to the Honorable the English East India Company by the treaty concluded with Dowlut Rao Scindia on the 30th December 1803, but were subsequently given up to the Rajah of Bhurtpore, have been since resumed, and become finally annexed to the Company's territories, in pursuance of the treaty concluded with the Rajah of Bhurtpore, under date the

the 17th of April 1805, the following rules are enacted for the government of the ſaid pergunnahs.

Sonk, Sonſa, and Sahar, to be annexed to zillah Agra.

II. The pergunnahs of Sonk, Sonſa, and Sahar, ſhall be annexed to the juriſdiction of the zillah of Agra.

Regulations IX, 1804, VIII, IX, and XI, 1805, with ſuch other regulations as have been or may be enacted for the conquered provinces, declared to be in force in the above pergunnahs.

Periods for the operation of the ſaid regulations, with certain exceptions, declared applicable to the ſaid pergunnahs.

III. Regulations IX, 1804, VIII, IX, and XI, 1805, and the ſeveral regulations therein referred to, together with ſuch other regulations applicable to the conquered provinces ſituated within the Doab and on the right bank of the river Jumna, as have been or may be hereafter enacted, ſhall be in force in the pergunnahs mentioned in the foregoing ſection, and the periods preſcribed for the operation of the ſaid regulations in the conquered provinces, (with the exceptions hereafter ſpecified), are hereby declared to be applicable to the pergunnahs aforeſaid.

The 17th of April 1805, to be conſidered the period of limitation for taking cognizance of offences committed in the ſaid pergunnahs.

Perſons convicted of offences committed in the ſaid pergunnahs, between the 17th April 1805, and the date of this regulation, to be ſubject to the rules in Section XI, Regulation IX, 1804.

IV. Inſtead of the date ſpecified in Section XI, Regulation IX, 1804, the 17th of April 1805, being the date of the treaty concluded with the Rajah of Bhurtpore, ſhall be conſidered the period of limitation for taking cognizance of crimes and offences committed in the pergunnahs mentioned in Section II. Perſons convicted of crimes or offences, committed in the ſaid pergunnahs, between the 17th of April 1805, and the date of the promulgation of this regulation, ſhall be ſubject to the rules provided in ſimilar caſes in the conquered provinces, by Section XI, Regulation IX, 1804. In like manner the 17th of April 1805, ſhall be conſidered the period of limitation for taking cognizance of civil ſuits in the ſaid pergunnahs, in lieu of the date ſpecified in Clauſe Second, of Section VI, Regulation VIII, 1805.

The 17th of April 1805 to be conſidered the period of limitation for taking cognizance of civil ſuits in thoſe pergunnahs.

For what periods the ſettlement of the land revenue in thoſe pergunnahs, is to be concluded.

V. Inſtead of the periods preſcribed by Sections III, IV, and V, Regulation IX, 1805, for concluding the periodical ſettlements of the land revenue in the conquered provinces, the three ſucceeding ſettlements of the land revenue in the pergunnahs mentioned in Section II, ſhall be concluded for the following periods of time: firſt

firſt, for the years 1214 and 1215 Fuſſily; ſecondly, for the years 1216, 1217, and 1218 Fuſſily; and thirdly, for the years 1219, 1220, 1221, and 1222 Fuſſily; under the terms and conditions ſpecified in the proclamation contained in Regulation IX, 1805.

Periods for the operation of Regulation XXXIV, 1803.

VI. The 17th of April 1805, ſhall be the date to be adopted in the pergunnahs mentioned in Section II, in lieu of the date ſpecified in Clauſe Firſt, of Section II, Regulation XXXIV, 1803; and the 1ſt of January 1807, ſhall be adopted in the ſaid pergunnahs, in lieu of the date ſpecified in Sections VII and VIII, of the regulation aforeſaid.

Regulation XL, 1803, not to be in force, in thoſe pergunnahs until 1214 Fuſſily.

VII. Regulation XL, 1803, ſhall not be in force in the pergunnahs mentioned in Section II, until the commencement of the year 1214 Fuſſily.

A. D. 1806. REGULATION XIII.

A REGULATION *for more effectually providing againſt the offence of forging the public ſtamps, or ſtampt paper; and for preventing the ſale of ſtampt paper without a written authority, alſo for explaining the exiſting rule reſpecting copies of judicial and revenue papers.*—PASSED *by the Governor General in Council, on the* 10*th of July* 1806, *correſponding with the* 28*th Aſſar* 1213 *Bengal era, the* 10*th Sawun* 1213 *Fuſſily, the* 28*th Aſſar* 1213 *Willaity, the* 9*th Sawun* 1863 *Sumbut, and the* 22*d Rubbee-us-Sanee* 1221 *Higeree.*

Preamble.

ATTEMPTS having been made to imitate the ſtamps eſtabliſhed by Regulations VI and X, 1797, VI and VII, 1800, XI, 1801, XL and XLIII, 1803, and to iſſue and diſpoſe of forged ſtampt paper; it is neceſſary, for the ſecurity of the public revenue derived from ſtamp duties, to adopt further rules, for the purpoſe of more effectually preventing the fabrication and uſe of forged ſtampt paper: And, as the Mohummedan law does not preſcribe any ſpecific puniſhment for an offence of the above nature, it has been deemed juſt and expedient to define the puniſhment for ſuch offence.

offence. It is alſo requiſite to explain more fully the intention of Sections XVIII, and XX, Regulation VI, 1797, and of Section XV, Regulation XLIII, 1803, reſpecting copies of judicial and revenue papers. The following rules have been accordingly enacted by the Governor General in Council, to be in force, from the periods of time therein ſpecified, throughout the provinces ſubject to the immediate government of the Preſidency of Fort William.

Superintendent of ſtamps or ſuch officer acting under him as may be authorized by government to endorſe his official ſignature on the back of each piece of ſtampt paper.

II. After the receipt of this regulation, the ſuperintendent of the ſtamps at Calcutta, appointed under Sections XII and XIII, Regulation VI, 1797, and Section XII, Regulation XLIII, 1803, or ſuch officer, acting under the ſuperintendent of ſtamps, as may be ſpecially authorized by government for the purpoſe, previouſly to iſſuing any ſtampt paper (with the exceptions ſpecified in the following ſection) ſhall endorſe his written official ſignature upon the back of each paper, and ſhall ſpecify, or cauſe to be ſpecified thereon the date, on which it ſhall be ſo authenticated. If the ſuperintendent of the ſtamps or any officer acting under him, ſhall iſſue ſtampt paper, in oppoſition to the rule eſtabliſhed by this ſection, he ſhall be liable to diſmiſſion from his office; and to be held reſponſible for the amount of the ſtamp duty payable upon all paper ſo iſſued by him.

Date of authentication to be endorſed.

Penalty for breach of this rule.

Recapitulation of certain regulations requiring rowannahs to be written on ſtampt paper.

III. It is provided by Section XXIV, Regulation VI, 1797, Sections XIV and XV, Regulation X, 1797, and Section XXII, Regulation XI, 1801, that the rowannahs therein mentioned, which may be granted by the collectors of cuſtoms, for the tranſportation or carriage of goods, in the provinces of Bengal, Behar, Oriſſa, and Benares, ſhall be written on ſtampt paper. It is alſo provided by Section II, Regulation X, 1797, Sections VI and XI, Regulation VI, 1800, and Section XXV, Regulation XL, 1803, that all licenſes, which may be granted by the collectors of the land revenue in any of the above provinces, or in the ceded and conquered provinces, for the manufacture or vend

Recapitulation of regulations requiring the writing on ſtampt paper, all licenſes for the manufacture or vend of ſpirituous liquors or intoxicating drugs or tauy.

of

of ſpirituous liquors, or intoxicating drugs, or taury, ſhall be written on ſtampt paper. As ſuch rowannahs and licenſes cannot be uſed or iſſued until they ſhall have been previouſly authenticated by the ſignature of the collectors of the cuſtoms, or of the collectors of the land revenue, the ſignature of the ſuperintendent of the ſtamps, or of any officer acting under him, to ſuch documents is unneceſſary and is not therefore required. It is, however, declared, that the collectors of the cuſtoms, and the collectors of the land revenue, reſpectively, will be held reſponſible for not iſſuing any ſtampt paper of either of the deſcriptions in queſtion, until it ſhall have obtained their previous official ſignature.

Signature of the ſuperintendent or of any officer acting under him, not neceſſary, on ſuch rowannahs and licenſes, for reaſon herein ſtated.

Collectors of cuſtoms, and of the land revenue, declared reſponſible for not iſſuing ſtampt paper for rowannahs or licenſes with out their official ſignature.

IV. The collectors of the land revenue ſhall furniſh every perſon at preſent employed by them for the diſpoſal of ſtampt paper, (and whom they may continue in ſuch employment after the receipt of this regulation) as well as all perſons who ſhall be hereafter appointed by them to diſpoſe of ſtampt paper, with a ſunnud in the Perſian language, under their official ſeal and ſignature, to the following effect. I A. B. collector of the land revenue of zillah ————————, have appointed C. D. agent for the ſale of ſtampt paper at ———— within the ſaid zillah. He is accordingly authorized and directed to diſpoſe of the ſtampt paper, which may be delivered to him for that purpoſe, in the manner, and at the rates, preſcribed by the regulations. He is to render a faithful account of all ſtampt paper which may be delivered to him for ſale, and of all money received by him on the diſpoſal of it; out of which, after his accounts ſhall have been approved, he will be allowed the proportion fixed for his compenſation. He is not to exact, or receive, any ſum whatever beyond the preſcribed ſtamp duty, under penalty of a fine to government equal to three times the amount, beſides repayment of the ſum ſo illegally received, and the immediate forfeiture of this ſunnud; which is moreover expreſsly declared to be at all times revocable by the collector of the zillah aforeſaid; or by order of the Board of Revenue,

Collectors of the land revenue to furniſh perſons employed by them for the ſale of ſtampt paper, with ſunnuds in the Perſian language under their official ſeal and ſignature.

Form of ſunnud, and what it is to contain.

Revenue, or of the Governor General in Council; and is to be returned to the collector's office, whenever it may be no longer in force.

Secretary to the Board of Revenue, and any other public officer entrusted with the disposal of stampt paper to furnish their agents with similar sunnuds, and all public officers to be careful to recal and cancel sunnuds on the death, removal, or resignation of their agents.

V. The secretary to the Board of Revenue, and any of the public officers entrusted by government with the disposal of stampt paper, shall also furnish any persons who may be employed by them, for that purpose, with a sunnud, corresponding in substance, with that prescribed in the preceding section. And all public officers empowered to grant such sunnuds, are to be careful in recalling and cancelling them, when the persons receiving them may, on any account, be removed from their employment, as agents for the sale of stampt paper; as well as in cases of death, or resignation. It is hereby further declared, that all persons receiving sunnuds under this and the foregoing sections, shall be liable to prosecution in the zillah or city dewanny adawluts to which they may be amenable, for any infringement of the regulations, or breach of trust, in the discharge of their functions as agents for the sale of stampt paper; and that on proof of their having exacted or received more than the prescribed rate of duty, in the sale of stampt paper, they shall be liable to a judgment for the penalty specified in their sunnuds.

Agents for the sale of stampt paper declared liable to prosecution in the civil courts for infringement of the regulations or breach of trust, and to be subjected to the penalty, in their sunnuds.

Collectors to transmit to the judges of the civil courts, lists of their agents for the sale of stampt paper within three months after the receipt of this regulation; and to communicate to them any alterations in those appointments; such lists to be affixed in the cutcherries of the judges; and the collectors to affix similar lists in their own cutcherries.

VI. The collectors of the land revenue, within three months after the receipt of this regulation, shall furnish the judges of the civil courts in their respective zillahs with a list, specifying the names of the persons appointed by them to dispose of stampt paper, and their places of residence, that the same may be affixed in a conspicuous part of the judge's cutcherry. They shall also, at all times, communicate without delay to the judges of their respective zillahs, any alterations which may occur in such appointments. The collectors shall likewise cause similar lists to be affixed in their own cutcherries, and in the principal cutcherry of each pergunnah throughout their respective jurisdictions.

VII.

VII. Such part of Clauſe Second, Section XIV, Regulation XLIII, 1803, as empowers the collectors of the ceded and conquered provinces to furniſh the parties in ſuits, or their authorized vakeels, with ſupplies of ſtampt paper, on demand, is reſcinded. The collectors are required to appoint an agent for the ſale of ſtampt paper at the courts within their reſpective zillahs; and the parties in ſuits or their authorized vakeels, (with an exception to paupers for whom proviſion is made by Section XVI, Regulation XLIII, 1803,) ſhall hereafter apply to the agents appointed by the collectors to diſpoſe of ſtampt paper, for ſuch ſtampt paper as they may require, in the proſecution or defence of ſuits depending before the civil courts, as well as in all other caſes.

Part of Clauſe Second, Section XIV, Regulation XLIII, 1803, reſcinded.

Collectors for the ceded and conquered provinces to appoint an agent for the ſale of ſtampt paper at the civil courts in their reſpective zillahs, to whom perſons in want of ſtampt paper are to apply.

VIII. After three months from the date of this regulation, no perſon ſhall act as vender of ſtampt paper, (excepting the public officers authorized to diſpoſe of it,) unleſs he ſhall have received a ſunnud, as preſcribed by Sections IV and V. Any perſon offending againſt this prohibition, ſhall be liable to the payment of a fine to government equal to ten times the amount of the price of the ſtampt paper ſold by him; and whatever ſtampt paper may be found in his poſſeſſion ſhall be forfeited to government. The penalty in ſuch caſes as well as in all other caſes for which a penalty is preſcribed by this regulation, ſhall be recoverable by a ſummary proceſs, in the zillah and city courts of Dewanny Adawlut, to be conducted by the vakeel of Government; and if any information ſhall have been given to the collector whereby this illegal act may have been diſcovered, a moiety of the fine ſhall be given to the informer. The judge of the court, in which the ſuit may be inſtituted, is authorized however, to reduce the fine, in particular caſes, if it appear too heavy, on conſideration of the circumſtances of the party, or the nature of the caſe; and whenever a fine may be impoſed under this ſection, an equivalent period of impriſonment, not exceeding ſix months, is to be fixed in the event of the fine not being paid, or recovered from the property of the offender; as required by Section III,

After three months from the promulgation of this regulation, no perſon to vend ſtampt paper without a ſunnud.

Exception.

Penalty for breach of this prohibition.

By what proceſs the penalty is recoverable.

A moiety of the penalty to be paid to the informer.

Judges of the civil courts, authorized to reduce the amount of the penalty in particular caſes.

Period of impriſonment not exceeding ſix months, to be fixed, in default of the penalty not being paid or recovered.

Regulation XIV, 1797; and Section XXXI, Regulation VI, 1803.

All ſtampt paper ſold by the collectors, their aſſiſtants or any perſons employed by them to be endorſed "ſold," in one of the native languages; with the date on which it may be ſo authenticated.

IX. All ſtampt paper which may be ſold, after the receipt and promulgation of this regulation, by the collectors of the revenue, or by any other public officers authorized to diſpoſe of ſtampt paper, or by their aſſiſtants, (being covenanted civil ſervants of the Company,) ſelling the ſame under their authority, or by any perſons employed on the part of the collectors, or other public officers, to diſpoſe of ſtampt paper, ſhall be atteſted by the written ſignature of the perſon ſelling ſuch paper, to be endorſed on the back of each paper with the word "ſold," or an expreſſion of the ſame import, in one of the country languages; and the date on which it may be ſo authenticated. Any perſon appointed to diſpoſe of ſtampt paper, who ſhall vend any ſuch paper, after the receipt and promulgation of this regulation, without the authentication herein preſcribed, ſhall be liable to diſmiſſion from his office, and to the payment of a penalty to government (recoverable in the dewanny adawlut under the proviſions of Section VIII, equal to ten times the price of any ſtampt paper ſold by him, in oppoſition to the prohibition contained in this ſection.

Penalty for the breach of this rule.

Nature and amount of penalty and how recoverable.

After the expiration of a year from the date of this regulation all inſtruments, with certain exceptions to be written on ſtampt paper, authenticated in the manner preſcribed in Sections II and IX, of this regulation.

X. Every pleading, petition, deed, inſtrument, or other document (with an exception of the rowannahs and licences ſpecified in Section III,) required by the regulations now in force to be written on ſtampt paper, is required, after the expiration of one year from the date of this regulation, to be written on the preſcribed ſtampt paper, authenticated in the manner directed by Sections II and IX of this regulation, any ſuch document (with the exception noticed) which, after the period ſpecified, may be written or executed on any other than the preſcribed ſtampt paper, authenticated as directed in Sections II and IX, ſhall be conſidered as not written or executed on the ſtampt paper preſcribed by the regulations.

Documents not written on ſtampt paper ſo ſigned after the ſpecified period (with the exception noticed) not to be conſidered as written on the preſcribed ſtampt paper.

XI. Stampt paper already iſſued by the ſuperintendent of the ſtamps, to which the written authentication of that officer is required, under Section II of this regulation, and which ſhall not have been diſpoſed of by the collectors of the land revenue, or by the agents appointed by them, before the expiration of the period ſpecified in the foregoing ſection, ſhall be returned by the collectors to the ſuperintendent of ſtamps at Calcutta, for the purpoſe of being authenticated in the manner directed. The collectors ſhall be careful, in the mean time, to procure from the ſuperintendent a ſufficient ſupply of ſtampt paper, authenticated as directed in Section II, within the period of one year from the date of this regulation.

Stampt paper already iſſued to the collectors and not diſpoſed of, to be returned to the ſuperintendent for the purpoſe of being authenticated.

Collectors in the mean time to be careful to procure a proper ſupply of the authenticated paper.

XII. It has been already declared in Section XXX, Regulation VI, 1797, and Section XXIV, Regulation XLIII, 1803, that perſons charged with forging the ſtamps or diſpoſing of or uſing forged ſtamp paper knowing the ſame to be forged, ſhall be liable to commitment and trial before the court of circuit, and to ſuch puniſhment as the law may direct. It is hereby further declared, that if any perſon ſhall be charged with forging a ſtamp, or ſtamps, in imitation of any ſtamp or ſtamps, eſtabliſhed by the regulations; or of diſpoſing of or uſing, the ſame, or of having ſuch forged ſtamp or ſtamps in his poſſeſſion; knowing the ſame to be forged; or of diſpoſing of, iſſuing, or uſing, or of having in his poſſeſſion, forged ſtampt paper, knowing the ſame to be forged; and the magiſtrate, before whom the charge is preferred, ſhall be of opinion, that there are ſufficient grounds for believing ſuch charge to be well founded; the perſon ſo charged ſhall be held to bail, or, in the event of his not giving good and ſufficient bail, ſhall be kept in cloſe cuſtody, to be tried before the court of circuit of the diviſion, and if duly convicted before that court, or in caſes of reference to the nizamut adawlut, before the latter court, the offender ſo convicted ſhall be liable to a ſentence of corporal puniſhment not exceeding thirty nine ſtripes with the corah, and to impriſonment and hard labor

Recapitulation of Section XXX, Regulation VI, 1797, and Section XXIV, Regulation XLIII, 1803.

Further provision for the puniſhment of perſons convicted of forging ſtamps; or diſpoſing of or uſing the ſame; or of having in their poſſeſſion forged ſtamps knowing the ſame to be forged; or diſpoſing of, iſſuing or uſing, or having in their poſſeſſion forged ſtampt paper.

Penalties on conviction of offenders.

labor for ſeven years. The offender will alſo be liable to baniſhment during the period of his impriſonment to ſuch other zillah as the court of Nizamut Adawlut may direct; under the diſcretion veſted in that court by Clauſe Second, of Section VIII, Regulation LIII, 1803.

Declaring that nothing in the regulations, which direct the uſe of ſtampt paper for copies of judicial papers is meant to preclude individuals from making copies of any paper for their private uſe with the permiſſion of the court, collector, or other officer.

XIII. In addition to the explanation contained in Sections XVIII and XXV, Regulation VII, 1800, and in Clauſe Fourth, of Section XV, Regulation XLIII, 1803; it is hereby declared, that nothing in the exiſting regulations which direct the uſe of ſtampt paper for copies of judicial or revenue papers, furniſhed to parties or their vakeels at their application, or in conſequence of any regulation requiring them to take ſuch copies, is meant to preclude individuals from making for their private uſe, and at their own expenſe, copies of judicial or revenue papers, with the permiſſion of the court, collector, or other officer having charge thereof, on any paper they may prefer. But if ſuch copies be not made on ſtampt paper, they ſhall not be authenticated by the ſeal or ſignature of any court, collector, or other public officer, nor be receivable as evidence, in any court of juſtice, or in any public office whatever.

A. D. 1806. REGULATION XIV.

A REGULATION *for abolishing the court of dewanny adawlut of the zillah of the northern division of Saharunpore; and for incorporating the jurisdiction of that court, with the civil jurisdiction of the court established in the southern division of Saharunpore.*—PASSED *by the Governor General in Council, on the 23d of July 1806; corresponding with the 9th Sawun 1213 Bengal era; the 23d Sawun 1213 Fussily; the 9th Sawun 1213 Willaity; the 8th Sawun 1863 Sumbut; and the 6th Jemaud-ul-Awul 1221 Higeree.*

Preamble.

WHEREAS the northern and southern divisions of Saharunpore at present constitute two distinct zillahs; and whereas from the limited extent of the northern division, a separate court of civil jurisdiction is unnecessary in that division; and whereas it may hereafter be judged advisable, likewise to incorporate the criminal jurisdiction of those zillahs; the following rules have been enacted, to be in force from the time of their promulgation.

Parts of Clauſe Firſt, Section III, Regulation VIII, 1805, re-ſcinded.

II. Such parts of Clauſe Firſt, of Section III, Regulation VIII, 1805, and of any other proviſions in the exiſting regulations as declare, that the northern and ſouthern diviſions of Saharunpore ſhall conſtitute two diſtinct civil juriſdictions, are hereby reſcinded.

Separate juriſdiction of the dewanny adawlut of the northern diviſion of Saharunpore abolifhed, and the juriſdiction incorporated with the ſouthern diviſion of that diſtrict.

III. The ſeparate juriſdiction of the dewanny adawlut of the northern diviſion of Saharunpore, ſhall be aboliſhed from the period of the promulgation of this regulation, and the juriſdiction of that court ſhall be incorporated with the juriſdiction of the dewanny adawlut of the ſouthern diviſion of Saharunpore. All papers and records relative to cauſes depending in the former court, ſhall be accordingly tranſmitted to the judge of the ſouthern diviſion of Saharunpore. All papers and records likewiſe relating to decided cauſes, ſhall be tranſmitted to the judge of the dewanny adawlut of the ſouthern diviſion of Saharunpore.

Northern diviſion of Saharunpore to conſtitute a ſeparate criminal juriſdiction, and the authority of the magiſtrate to extend to all the Mohauls at preſent compriſed in that zillah.

Power reſerved to government of aboliſhing the ſeparate criminal juriſdiction of the above mentioned diviſion, whenever ſuch meaſure ſhall appear advifable.

IV. The northern diviſion of Saharunpore ſhall for the preſent conſtitute a ſeparate criminal juriſdiction; and the authority of the magiſtrate of that zillah ſhall extend to all the mohauls at preſent compriſed in the northern diviſion of Saharunpore, with the ſame powers as have hitherto been exerciſed by the magiſtrate of that zillah. The Governor General in Council, however, reſerves to himſelf the power of aboliſhing the ſeparate criminal juriſdiction of the northern diviſion of Saharunpore, and of incorporating it with the other diviſion of Saharunpore, whenever it ſhall appear to government to be adviſable to adopt that meaſure.

A. D. 1806. REGULATION XV.

A REGULATION *for the amendment of certain parts of the provisions contained in Clauses Second and Third, Section* II, *Regulation* II, 1796; *and Clauses Second and Third, Section* XIX, *Regulation* VI, 1803; *and of the rule contained in Section* VII, *Regulation* V, 1799.—PASSED *by the Governor General in Council, on the* 24*th of July* 1806; *corresponding with the* 10*th Sawun* 1213 *Bengal era; the* 24*th Sawun* 1213 *Fuſſily; the* 10*th Sawun* 1213 *Willaity; the* 9*th Sawun* 1863 *Sumbut; and the* 7*th Jemaud-ul-Awul* 1221 *Higeree.*

Preamble.

WHEREAS it is advisable, that the Governor General in Council should be regularly informed of any offences of a criminal nature, committed by European British subjects residing in the interior of the country; And whereas it has been deemed expedient to modify certain parts of the provisions contained in Clauses Second and Third, Section II, Regulation II, 1796; and in Clauses Second and Third, Section XIX, Regulation VI, 1803; and also of the rule contained in Section VII, Regulation V, 1799;

1799; the following rules have been enacted, to be in force from the period of their promulgation throughout the territories, subject to the immediate government of the presidency of Fort William.

Cases in which magistrates are to transmit to the clerk of the crown and to government, depositions and translations of papers respecting European British subjects held to bail or committed to the jail of Calcutta.

II. Whenever a zillah or city magistrate, who shall have taken the oaths of qualification as a justice of the peace, shall hold any British European subject to bail, or shall deem it necessary to commit any such person to the jail of Calcutta, to take his trial before the Supreme Court of Judicature for any offence of a criminal nature; the magistrate shall transmit the original depositions taken on the occasion, (together with translations of any papers not being in the English language) to the clerk of the crown. The magistrate shall likewise transmit copies of the said depositions, (together with translations of any papers not being in the English language) to the secretary to the government in the judicial department, for the information of the Governor General in Council; who, in cases in which he shall consider it to be necessary from the aggravated nature of the offence charged against the person accused, or on any other substantial ground, will order the prosecution to be conducted by the law officers of government, and at the public expense.

Cases in which magistrates are to send accused persons of the above description with the witnesses to His Majesty's justices of the peace at Calcutta.

III. Whenever an European British subject shall be charged before a zillah or city magistrate, who has not taken the oaths of qualification as a justice of the peace with a criminal offence which according to the law of England may not be bailable; and the magistrate, after making the necessary enquiry on the subject, shall be of opinion, that there are grounds for bringing the person accused to trial before the Supreme Court of Judicature, the magistrate shall send the person accused, under safe custody to His Majesty's justices of the peace at the police office in Calcutta, accompanied by the witnesses against the prisoner; with a letter, stating the nature of the case, and requesting that the justices at Calcutta will take the necessary measures for bringing the person accused

to

to trial before the Supreme Court of Judicature. The magiſtrate by whom the priſoner may be ſent to Calcutta, ſhall at the ſame time, tranſmit a copy of all the proceedings held on the occaſion, (together with tranſlations of any papers not being in the Engliſh language) to the ſecretary to the government in the judicial department, to enable the Governor General in Council to determine, whether the proſecution ſhould be undertaken by the law officers of government, and at the public expenſe, or otherwiſe.

Proceedings and tranſlation of papers to be forwarded to government.

IV. The foregoing rule of courſe ſuperſedes ſuch part of Section II, Regulation II, 1796, and of Section XIX, Regulation VI, 1803, which directs, "that a report of the caſe ſhall be "made at the ſame time to the court of Nizamut Adawlut, who, "on the arrival of the accuſed at the preſidency, are to inſtruct "the Company's attorney, to take the neceſſary meaſures for "his commitment and trial at the enſuing ſeſſions."

Parts of Section II, Regulation II, 1796, and of Section XIX, Regulation VI, 1803, ſuperſeded.

V. Whenever any perſon ſhall charge an European Britiſh ſubject before a magiſtrate, who has not taken the oaths of qualification as a juſtice of the peace, with a bailable offence, it ſhall be the duty of the magiſtrate to explain to the complainant the courſe which he ſhould purſue, for the purpoſe of obtaining redreſs, that is, by application to the juſtices of the peace at Calcutta or to the grand jury. It ſhall likewiſe be the duty of the magiſtrate, after calling upon the perſon accuſed for his reply to the complaint, to report the caſe to the Governor General in Council; at the ſame time, ſtating, on a conſideration of the diſtance at which the parties may reſide from the preſidency, of the poverty of the complainant or of other circumſtances, whether it would, in the opinion of the magiſtrate be proper, that the expenſe of the proſecution ſhould be defrayed by government. The Governor General in Council, on receipt of ſuch report, will paſs ſuch orders on the ſubject as may appear to him to be adviſable; and will at the ſame time direct, in caſes which may appear to require it, that the proſecution ſhall be conducted by the law officers of the Company.

VI.

Section VII, Regulation V, 1799, modified.

VI. Section VII, Regulation V, 1799, preſcribes rules for the guidance of the zillah and city judges, with reſpect to the charge of the unclaimed aſſets of eſtates of Europeans dying inteſtate. It being however enacted, in Statute XXXIX, George IIId. Chapter 79, Section 21, that whenever any Britiſh ſubject ſhall die inteſtate, and neither a creditor, nor the next of kin ſhall apply for letters of adminiſtration, the regiſter of the Supreme Court ſhall adminiſter to the eſtate of the deceaſed; it ſhall be the duty of the zillah and city judges, whenever any Britiſh European ſubject ſhall die within the limits of their juriſdictions, and no will ſhall be found among the effects of the deceaſed, to report the circumſtance without delay to the regiſter of the Supreme Court of Judicature, retaining the property under their charge, until letters of adminiſtration ſhall have been obtained by that officer, or by ſome other perſon from the Supreme Court of Judicature, when the property is to be delivered over to the perſon obtaining ſuch letters; or, in the event of a will being ſubſequently diſcovered, to the perſon, who may obtain probate of the will.

Judges to report to the regiſter of the Supreme Court reſpecting eſtates of deceaſed Britiſh European ſubjects; retaining in the mean time the property under their charge.

A. D. 1806. REGULATION XVI.

A REGULATION *for defining the form of addreſs to be obſerved by the public officers of Government in making applications to the members of the family of His Highneſs the Nuwaub Nauſſur-ul-Moolk, the Nazim of Bengal.*—PASSED *by the Governor General in Council, on the 4th of September* 1806; *correſponding with the 20th Bhadoon* 1213 *Bengal era; the 6th Bhadoon* 1213 *Fuſſily; the 20th Bhadoon* 1213 *Willaity; the 6th Bhadoon* 1863 *Sumbut; and the 20th Jemaud-us-Sance* 1221 *Higeree.*

Preamble.

WHEREAS Regulation XIX, 1805, contains a ſpecific form of addreſs to be obſerved by the public officers of government in making applications of an official nature to His Highneſs the Nuwaub of Bengal; And whereas it is neceſſary that eſtabliſhed forms of addreſs ſhould likewiſe be obſerved by ſuch officers in making ſimilar applications to any of the other members of the Nuwaub's family; the following rules have been enacted, to be in force from the period of the promulgation of this regulation.

II.

Prescribed forms to be observed in addressing letters to the Munnee Begum and Bubboo Begum.

II. The forms prescribed in the Persian transcript of this regulation, shall be observed, whenever any of the public officers of government may have occasion to address letters to the Munnee Begum and Bubboo Begum.

Public officers to apply to the superintendent of the nizamut affairs for proper forms of address.

III. Whenever any of the public officers may have occasion to address any of the other branches of the Nuwaub's family, they are required to apply to the superintendent of the nizamut affairs for the proper form of address.

All applications to the members of the Nuwaub's family, to be made through the channel of the superintendent of the nizamut affairs

IV. It is already prescribed that all applications which may be made to His Highness the Nuwaub, shall be transmitted through the channel of the superintendent of nizamut affairs. In like manner, all applications, which may be made to the other members of the Nuwaub's family, shall be forwarded through the channel of that officer.

All letters to be sent through the prescribed channel under an open envelope bearing the private seal of the writer, or his name written in Persian.

V. In order to obviate any doubt or misconstruction respecting the intent of the rule contained in Section IV, of the above mentioned regulation; it is hereby explained, that all letters addressed to the Nuwaub himself, or to any other branch of His Highness's family, shall be sent through the channel already prescribed, under an open envelope, bearing the private seal of the writer, or his name written in the Persian character.

A. D. 1806. REGULATION XVII.

A REGULATION *for extending to the province of Benares, the rates of intereſt on future loans, and proviſions relative thereto, contained in Regulation* XV, 1793; *alſo for a general extenſion of the period fixed by Regulations* I, 1798, *and* XXXIV, 1803, *for the redemption of mortgages and conditional ſales of land, under deeds of Bye-bil-wuffa, Kut-Cubaleh, or other ſimilar deſignation.*—PASSED *by the Governor General in Council, on the* 11*th of September* 1806; *correſponding with the* 27*th Bhadoon* 1213 *Bengal era; the* 13*th Bhadoon* 1213 *Fuſſily; the* 27*th Bhadoon* 1213 *Willaity; the* 14*th Bhadoon* 1863 *Sumbut; and the* 27*th Jemaud-us-Sanee* 1221 *Higeree.*

Preamble.

THE rules preſcribed by Regulation I, 1798, for preventing fraud and injuſtice in conditional ſales of land, under deeds of bye-bil-wuffa, or other deeds of the ſame nature, were declared to extend to Benares, as well as to the provinces of Bengal, Bahar and Oriſſa; and, under the terms of Section II, of that Regulation, might be conſidered, from the time of its publication,

to

to have eſtabliſhed the general limitation of intereſt at the legal rate of twelve per "cent per annum," as however the proviſions relative to a limitation of intereſt, contained in Regulation XV, 1793, and re-enacted for the ceded and conquered provinces by Regulation XXXIV, 1803, have never been expreſsly extended to Benares; and as it appears that the limitation of twelve per cent per annum has not yet been conſidered in force within that province; it is neceſſary, that an expreſs rule ſhould be enacted for extending to Benares the ſame limitation of intereſt, and proviſions connected therewith, as are in force throughout the other provinces under this Preſidency. It is further requiſite, for the purpoſe of preventing improvident and injurious transfers of landed property, at an inadequate price, by the forfeiture of mortgages, accompanied with a condition of ſale to the mortgagee, if the amount advanced be not repaid within a ſtated period, (which deſcription of mortgage is common throughout the country, under deeds of bye-bil-wuffa, kut-cubaleh and other ſimilar deſignations,) that an equitable proviſion ſhould be made for allowing a redemption of the eſtate within a reaſonable and limited period, on payment of the principal ſum lent; with intereſt thereupon if the mortgagee ſhall not have been put in poſſeſſion; the Governor General in Council has accordingly enacted the following rules, to be in force from the time of their promulgation, in the ſeveral provinces therein ſpecified reſpectively.

Proviſions of Regulation XV, 1793, extended to Benares, from the date herein ſpecified, with certain modifications.

II. The proviſions contained in the ſeveral ſections of Regulation XV, 1793, are hereby declared to extend to the province of Benares, from the commencement of the enſuing year 1807 A C. correſponding with the 19th Poos of the Bengal year 1213, and 7th Poos of the Fuſſily year 1214; ſubject to the following modifications.

What rates of intereſt to be decreed by the courts of civil judicature, if the cauſe of action have ariſen

III. Inſtead of the limitations of intereſt ſpecified in Sections II, and III, Regulation XV, 1793, if the cauſe of action ſhall have ariſen before the period ſtated in the preceding ſection, the courts

courts of civil judicature are to decree whatever rate of intereſt may have been voluntarily ſtipulated; or, if intereſt be payable in any caſe wherein a ſpecific rate may not have been ſtipulated, according to the law and uſage of the province; in conformity with the ſpirit of Section IX, Regulation VII, 1795; which directs, with reſpect to bills of exchange, receipts, or notes of hand, that the cuſtom of the country is to be abided by, and with reſpect to dealings and money tranſactions amongſt mahajins and ſhroffs, that the eſtabliſhed cuſtoms obſerved, and enforced, amongſt them, are to be adhered to by the courts in their inquiries and deciſions.

before the period ſtated in the preceding ſection.

Laws and uſages of the province, and the ſpirit of Section IX, Regulation VII, 1795, to be applied in certain caſes.

IV. If the cauſe of action ſhall ariſe after the period ſpecified in Section II, of this regulation, the courts are not to decree any intereſt above the rate of one per cent per menſem; or twelve per cent per annum.

What rate of intereſt to be adjudged, if the cauſe of action ariſe after the period ſpecified in Section II.

V. The forfeiture of intereſt for ſtipulation of a higher rate, than what is authorized, enacted by Section VIII, Regulation XV, 1793; and the forfeiture of principal and intereſt, in caſes of attempts to elude the preſcribed rules, by deductions from the principal, or other devices, provided againſt by Section IX, Regulation XV, 1793, ſhall not be conſidered applicable to any loans actually and bonâ fide contracted, or to any bonds or other inſtruments voluntarily given for the evidence and ſecurity of ſuch loans, previouſly to the period ſtated in Section II, of this regulation.

The forfeiture of principal and intereſt in the caſes herein ſpecified, enacted by Section VIII, Regulation XV, 1793, not to be conſidered applicable to bonâ fide loans contracted, or bonds executed, previouſly to the period ſpecified in Section II.

VI. The rule contained in Section X, Regulation XV, 1793, for the redemption of mortgaged property whenever the principal ſum lent, and the ſimple intereſt due thereupon, ſhall have been realized from the uſufruct, is to be conſidered in force throughout the province of Benares, from the commencement of the Fuſſily year 1214; but ſhall not be applied retroſpectively, in oppoſition to any ſubſiſting engagement, voluntarily contracted before the period fixed for the operation of this regulation.

Rule in Section X, Regulation XV, 1793, to be conſidered in force throughout the province of Benares, from the beginning of the year 1214 Fuſſily, but not to be applied retroſpectively in oppoſition to any engagement voluntarily contracted before the period fixed for the operation of this regulation.

VII.

Provisions in addition to those made by Regulations I, 1798, and XXXIV, 1803, for the redemption of mortgages and conditional sales of land, under deeds herein specified.

What shall entitle the mortgager or his legal representative to redemption of his property before the final foreclosure of the mortgage, at any time within the period of one year, from and after the period of the application made by the mortgagee, to the zillah or city court, for foreclosing the mortgage.

VII. In addition to the provisions made in the provinces of Bengal, Behar, Orissa, and Benares, by Regulation I, 1798, and in the ceded and conquered provinces by Regulation XXXIV, 1803, for the redemption of mortgages and conditional sales of land, under deeds of bye-bil-wuffa, kut-cubaleh, or any similar designation; it is hereby provided, that when the mortgagee may have obtained possession of the land, on execution of the mortgage deed, or at any time before a final foreclosure of the mortgage, the payment, or established tender of the sum lent under any such deed of mortgage and conditional sale, or of the balance due, if any part of the principal amount shall have been discharged, or when the mortgagee may not have been put in possession of the mortgaged property, the payment, or established tender of the principal sum lent, with any interest due thereupon, shall entitle the mortgager and owner of such property, or his legal representative, to the redemption of his property, before the mortgage is finally foreclosed in the manner provided for by the following section, that is to say, at any time within one year (Bengal, Fussily, or Willaity, according to the era current, where the mortgage may take place,) from and after the application of the mortgagee to the zillah or city court of dewanny adawlut, for foreclosing the mortgage, and rendering the sale conclusive, in conformity with Section VIII of this regulation; provided that such payment or tender be clearly proved to have been made to the lender and mortgagee, or his legal representative; or that the amount due be deposited, within the time above specified, in the dewanny adawlut of the zillah or city in which the mortgaged property may be situated; as allowed, for the security of the borrower and mortgager, in such cases, by Section II, Regulation I, 1798, and Section XII, Regulation XXXIV, 1803; the whole of the provisions contained in which sections, as applied therein to the stipulated period of redemption, are declared to be equally applicable to the extended period of one year, granted for an equitable right of redemption by this regulation.

Proviso.

VIII. Whenever the receiver or holder of a deed of mortgage, and conditional ſale, ſuch as is deſcribed in the preamble and preceding ſections of this regulation, may be deſirous of foreclosing the mortgage, and rendering the ſale concluſive, on the expiration of the ſtipulated period, or at any time ſubſequent before the ſum lent is repaid, he ſhall (after demanding payment from the borrower, or his repreſentative,) apply, for that purpoſe, by a written petition to be preſented by himſelf, or by one of the authorized vakeels of the court, to the judge of the zillah or city in which the mortgaged land, or other property, may be ſituated. The judge on receiving ſuch written application, ſhall cauſe the mortgager, or his legal repreſentative, to be furniſhed, as ſoon as poſſible, with a copy of it, and ſhall at the ſame time, notify to him, by a perwanah under his ſeal and official ſignature, that if he ſhall not redeem the property mortgaged, in the manner provided for by the foregoing ſection, within one year from the date of the notification, the mortgage will be finally foreclosed, and the conditional ſale will become concluſive.

How a mortgagee or holder of a deed of conditional ſale is to proceed, when deſirous of foreclosing a mortgage, or rendering a conditional ſale concluſive.

To preſent a petition in perſon or by an authorized vakeel to the judge of the zillah court.

How the judge is to proceed on receiving ſuch petition.

A. D. 1806. REGULATION XVIII.

A REGULATION *for collecting a toll on boats paſſing through the eaſtern canal, which connects the river Hooghly, with the Sunderbunds, and through the canals, commonly called the Banka Nullah, the Koonjopore Khaal, the Gowah Khaal, and the Narraınpore Khaal.*—PASSED *by the Governor General in Council, on the* 16*th of October* 1806*; correſponding with the* 1*ſt Kautic* 1213 *Bengal era; the* 19*th Aſſin* 1214 *Fuſſily; the* 1*ſt Kautic* 1214 *Willaity; the* 5*th Aſſin* 1863 *Sumbut; and the* 3*d Shabaan* 1221 *Hygeree.*

Preamble.

WHEREAS tolls have, during a conſiderable period of time been levied on boats paſſing through the eaſtern canal, which connects the river Hooghly, with the Sunderbunds, and through the canals commonly called the Banka Nullah, the Koonjopore Khaal, the Gowah Khaal, and the Narraınpore Khaal; And

reas it is expedient, that the rates of toll ſhould be defined and publiſhed for general information; the following rules have been eſtabliſhed, to be in force from the period of their promulgation.

II. *Firſt.*

A toll to be levied on all boats paſſing through the eaſtern canal.

II. *Firſt.* A toll ſhall be levied on all boats paſſing through the eaſtern canal, at the following rates:

Rates.

Budgerows, - - -	4 annas per oar.
Pinnaces, - - - -	
Bauleahs, - - - -	
Paunſways, - - -	
Empty boats, boats laden with bricks, earthen-ware, ſand, earth, ſoorkey,	4 annas per 100 maunds burthen.
Small boats, paſſing and repaſſing through a part only of the nullah, laden with articles of ſmall value, - - -	2 annas per boat, for paſſing and repaſſing.
Baggage boats and boats laden with rice, paddy, keſſary, moong, killai, muttore, boot, muſſary, wheat, barley, orhur, chura, burbutty, congney, Dacca-pumkins, ſtraw, firewood, guranſticks, ginger, tamarind, onions, garlic.	1 rupee per 100 maunds burthen.

Rate to be paid by all boats laden with other articles than thoſe above ſpecified.

Second. All boats paſſing through the nullah, laden with any other articles than thoſe mentioned in the above liſt, ſhall be ſubject to the duty of two rupees per one hundred maunds burthen.

The collection of the tolls to be entruſted to the collector of the 24 pergunnahs.

Third. The collection of the tolls upon boats paſſing through the eaſtern canal, ſhall be entruſted to the collector of the 24-Pergunnahs, aided by ſuch native officers as may be required in the diſcharge of that duty.

Ferries to be eſtabliſhed at certain places.

Fourth. Ferries ſhall be eſtabliſhed for the convenience of the public, at the following places, viz. Callyghaut, Baunſdoony, Ghurrya, Tectalbarrya; and, during the ſeaſon of the rains, at Khuribanya.

Rates of toll to be levied at the ferries.

Fifth. Tolls ſhall be collected from all perſons availing themſelves of the uſe of the ferries, at the following rates:

A foot paſſenger, five gundas of cowries.

A foot paſſenger with a load, one pun of cowries.
A bullock load, two puns ditto,
A palanqueen, with bearers, four annas.
Hackeries and carriages, loaded and empty, eight annas.
Sheep, goats, &c. one pun of cowries each.

Sixth. At the ſame time, it is to be underſtood, that perſons are entirely at liberty to uſe the ferries, or to croſs the nullah in any other manner, which may be practicable, and which they may prefer; and that, in the latter caſe, they are not to be ſubject to any demands whatever on account of the toll ſpecified in the preceding ſection.

Perſons at liberty to uſe the ferries or not.

VII. *Firſt.* The following rules have been eſtabliſhed for the purpoſe of promoting the convenience of the community, and of preſerving the canal in a good navigable condition.

Rules for preventing interruption in the paſſage of boats and preſerving the canal in a navigable condition.

Second. Boats and other veſſels proceeding to the ſunderbunds, ſhall paſs on the right hand, or ſouth weſt ſide of the canal; and boats and other veſſels coming from the ſunderbunds to the Hooghly river, ſhall paſs on the north eaſt ſide of the canal.

On what ſides of the canal, boats &c. ſhall navigate in going to or coming from the Sunderbunds.

Third. Mangies and other perſons in charge of boats, ſhall uſe anchors or bamboos for the purpoſe of fixing their boats in the bed of the canal; and they ſhall not be permitted to drive bamboos or ſtakes of any kind into the banks of the canal; which term ſhall be underſtood to comprehend a diſtance of not leſs than nine feet from the top of the ſlope.

Anchors or bamboos to be uſed for fixing boats in the bed of the canal, and no bamboos or ſtakes to be driven into the banks.

Fourth. Individuals ſhall not be permitted to excavate earth, for the purpoſe of making bricks, within one hundred feet of the banks of the canal.

Individuals not to excavate earth within 100 feet of the banks of the canal.

Fifth. All perſons are prohibited from throwing ballaſt, wood, or other large and ſolid ſubſtances into the canal.

All perſons prohibited from throwing ballaſt or other ſolid ſubſtances into the canal.

VIII.

Persons infringing any of the above rules, how to be dealt with.

VIII. Any person infringing any of the foregoing rules, shall be liable to be sent either by the officers of police, or by the officers entrusted with the charge of the collections, to the magistrate officiating in the 24-Pergunnahs, and to be punished to the extent to which the magistrates are authorized to inflict punishment for the commission of petty offences, under the general regulations.

Measures to be adopted in the event of vessels or boats sinking in the nullah.

IX. In the event of any vessel or boat sinking in the canal, immediate notice shall be given by the crew, or person in charge, at the thanna of the nearest police darogah, who, on receiving such information, shall proceed without delay to the spot, and adopt measures under the directions of the magistrate, for the immediate removal of the wreck.

The magistrate to prevent any encroachments on the canal.

X. It shall be the duty of the magistrate to prevent any encroachments on the canal, by the erection of ghauts or other buildings tending to impede the navigation of the canal. The officers of police and the officers employed in making the collections, shall accordingly report to the magistrate, whenever any encroachment or nuisances of that nature may be attempted to be made.

A toll to be levied on all boats passing through the Banka nullah.

XI. A toll shall be collected on all boats passing through the canal, commonly called the Banka nullah, Gowah khaal and Narainpore khaal, in the division of Tumlook, and through the Khoonjopore khaal, in the division of Hidgelee, at the following rates.

Rates.

On all budgerows, pinnaces, bauleahs, or paunsways, whether with passengers or empty, - - - - - -	4 annas per oar.
On salt per 100 maunds as per chellaun, - - - - - -	1 rupee 1 anna.
On boats of burthen empty, 4 annas per 100 maunds burthen of the boat,	8 annas per 100 maunds burthen of the boat.
On baggage boats, and boats laden with rice, paddy, and grain of all kinds, or earthen ware, - - - -	

On

On boats laden with any other articles, than thoſe before ſpecified,	1 rupee per 100 maunds burthen of the boat.
On ſaul, ſiſſoo, and all other timbers, in rafts,	2 annas per timber.
On bamboos, in floats,	4 annas per 100 bamboos.
On ſmall boats, proceeding with articles for ſale, or barter, at the hauts, bazars, or gunges, near the banks of the nullah, and not paſſing through it,	2 annas on each boat going and returning.

XII. The duty of collecting the tolls on boats paſſing through the Bankah nullah, Gowah khaal, and Narrainpore khaal, ſhall be entruſted to the perſon holding the appointment of ſalt agent for the diviſion of Tumlook; and the duty of collecting the tolls on boats paſſing through the Koonjopore khaal, to the perſon holding the appointment of ſalt agent for the diviſion of Hidgellee, aided by ſuch native officers as may be required in the diſcharge of that duty.

To whom the duty of collecting the tolls ſhall be entruſted.

XIII. The Board of Revenue is hereby veſted with a general controul over the collector of the 24-Pergunnahs, and over the ſalt agents at Tumlook and Hidgellee, in the diſcharge of the duty entruſted to thoſe officers reſpectively, by the proviſions of the preſent regulation.

Board of Revenue veſted with a general controul over the officers entruſted with the collection of the tolls, under the proviſions of the preſent regulation.

A. D. 1806. REGULATION XIX.

A REGULATION *for modifying the rules under which as eſtabliſhed by Regulation* XI, 1800, *and Regulation* V, 1802, *a duty of three and a half per cent is at preſent levied on brandy, gin, rum, and other ſpirits on importation by ſea: for ſubjecting ſpirits of all kinds (Batavia arrack, and arrack imported into Calcutta from Bencoolen excepted) to the aſſeſſment of that duty at a fixed valuation per pipe, on being imported by ſea at the port of Calcutta, or at any of the foreign ſettlements, on the river Hooghly; and for amending the rule contained in Clauſe Sixteenth, Section* V, *Regulation* XXXIX, 1795, *reſpecting the deduction to be allowed for leakage of liquors imported in caſks.*—PASSED *by the Governor General in Council, on the* 16*th of October* 1806; *correſponding with the* 1*ſt Kautic* 1213 *Bengal era; the* 19*th Aſſin* 1214 *Fuſſily; the* 1*ſt Kautic* 1214 *Willaity; the* 5*th Aſſin* 1863 *Sumbut; and the* 3*d Shahaan* 1221 *Higeree.*

UNDER

A. D. 1806. REGULATION XIX.

Preamble.

UNDER the general rules prescribed by Clause Second, Section IV, Regulation XI, 1800, for the collection of government customs, on all goods imported into Calcutta by sea, or from the foreign settlements on the river Hooghly, spirits of all kinds, Batavia arrack, and arrack imported from Bencoolen excepted, are subject to the payment of customs at the rate of three and a half per cent on the amount of the original bills, or invoices, produced at the custom house, and in like manner Clauses First and Second, Section XV, Regulation V, 1802, provide for the assessment of that duty on the Calcutta price of the spirits, at the time of importation, in the event of the original invoices or bills not being produced to the collector, or of there appearing to him, to be cause for belief, that the invoices, or bills, do not show the true prime cost of the article. By Clause Fourth, Section IX, Regulation V, of 1802, goods imported into any of the foreign settlements on the river Hooghly by sea, and which shall not have paid the import government customs at Calcutta, are rendered liable on their exportation from such settlements into the interior of the country, to pay to the collector of customs at Hooghly, government customs at the same rates, with which the goods would have been charged had they been imported at Calcutta. Considerable difficulty however, arising chiefly from the almost constant fluctuation of the market prices of spirits having been experienced in settling the import duties on brandy and gin, in instances in which invoices are not exhibited, and it appearing also, that, when invoices are produced, the rates, at which the above mentioned articles are assessed with government customs, are always much lower than the Calcutta price at which the drawback of that duty is allowed on the re-exportation of such articles, thereby operating materially to the injury of the collections; the Governor General in Council has considered it to be expedient to rescind the existing rules for assessing government customs on spirits imported at the Calcutta custom house by sea, and to provide for the assessment of the duty on them according to a fixed valuation. The following rules

are

are therefore enacted, to be in force from the date of their promulgation.

Rules contained in Clause Second, Section IV, Regulation XI, 1800, and Clause Sixteenth, Section VI, Regulation XXXIX, 1795, partially rescinded.

II. *First.* The rules contained in Clause Second, Section IV, Regulation XI, of 1800, as far as they are applicable to the collection of government customs on spirits imported at Calcutta by sea; and in Clause Sixteenth, Section VI, Regulation XXXIX, 1795, for allowing a deduction of ten per cent on account of leakage, &c. of liquors, are hereby rescinded.

Duties leviable on spirits, with certain exceptions, to be calculated at thirty pounds sterling per pipe.

Second. The duty of three and a half per cent leviable on spirits of whatever kind, imported by sea in casks, Batavia arrack, and arrack imported from Bencoolen excepted, shall in future be calculated on the price of thirty pounds sterling per pipe.

Rules as to the usual deduction allowed for leakage, and in what cases it shall not be allowed.

Third. A deduction of ten per cent for leakage will be allowed as heretofore, provided the collector shall be satisfied that the casks have not been filled up previously to their leaving the ship, or after being landed, but if ullages, or parts of casks, are filled up prior to the spirits being passed, the casks shall be gauged, and the duty shall be levied without any deduction on the actual quantity. No deduction shall be allowed after the casks shall have been removed from the wharf.

Preceding rules as to leakage applicable to all liquors imported by sea in casks.

Fourth. The rules contained in the preceding clause, are to be considered applicable to the deduction to be allowed for leakage of all other liquors imported by sea in casks.

Duty on Batavia arrack to be calculated as heretofore.

III. The duty on Batavia arrack shall continue to be settled at the rate of sicca rupees fifty-five per leaguer.

The duties to be levied at Hooghly, under Clause Fourth, Section IX, Regulation V, 1802, to be assessed at the fixed rule prescribed in this regulation.

IV. The duty to be levied by the collector of customs at Hooghly, on spirits exported from any of the foreign settlements on the river Hooghly, as prescribed by Clause Fourth, Section IX, Regulation V, 1802, shall be assessed according to the fixed rate

to

to which ſuch ſpirits are liable under this regulation, on importation by ſea at the port of Calcutta.

A. D. 1806. REGULATION XX.

A REGULATION *for modifying the exiſting rules reſpecting the eſtabliſhment of ſhops for the manufacture and ſale of ſpirituous liquors in the vicinity of the military cantonments, at which Europeans are quartered* —PASSED *by the Governor General in Council, on the 23d of October 1806; correſponding with the 8th Kautic 1213 Bengal era; the 26th Aſſin 1214 Fuſſily; the 8th Kautic 1214 Willaity; the 11th Aſſin 1863 Sumbut; and the 10th Shabaan 1221 Higeree.*

Preamble.

WHEREAS it is provided by Section XVI, Regulation XXXIV, 1793, by Section XXXIV, Regulation VI, 1800, and by Section XII, Regulation XL, 1803, that ſhops for the manufacture and ſale of ſpirituous liquors ſhall not be eſtabliſhed within two coſs of any of the military cantonments, in which European troops are quartered; And whereas the facility ſtill experienced at certain ſtations in obtaining ſpirituous liquors renders it eſſential, that the ſhops for the manufacture and ſale of that commodity ſhould be removed to a greater diſtance from ſuch canton-

cantonments; the following rules have been enacted, to be in force from the date of their promulgation, in all the provinces ſubject to the immediate government of the preſidency of Fort William.

Section XVI, Regulation XXXIV, 1793, Section XXXIV, Regulation VI, 1800, and Section XII, Regulation XL, 1803, reſcinded.

II. Such parts of the rules contained in Section XVI, Regulation XXXIV, 1793, Section XXXIV, Regulation VI, 1800, and in Section XII, Regulation XL, 1803, as direct that ſhops for the manufacture and ſale of ſpirituous liquors ſhall not be eſtabliſhed within two coſs of any of the military cantonments, at which European troops are quartered, are hereby reſcinded.

Collectors to conſult the officers commanding the troops, in iſſuing licenſes for the ſale of ſpirituous liquors.

III. Previouſly to iſſuing any licenſes at the commencement of the Bengal and Fuſſily year, for the manufacture and ſale of ſpirituous liquors, in the vicinity of any of the military cantonments, at which European troops are quartered, the collector ſhall communicate with the officer commanding the troops, regarding the diſtance from the cantonments, to which it may appear to be adviſable to extend the prohibition againſt the ſale of ſpirits, and if no ſubſtantial objection ſhall occur to the diſtance which may be propoſed to be eſtabliſhed for that purpoſe by the commanding officer, the collector ſhall be guided by ſuch recommendation in iſſuing the annual licenſes for the manufacture and ſale of ſpirits: Provided however, that if the collector ſhall be of opinion, that the diſtance propoſed by the commanding officer is unneceſſarily great, or that it is calculated materially to injure the public revenue derived from the duties levied on the ſale of ſpirits, or that it is otherwiſe liable to objections; the collector ſhall repreſent the circumſtances of the caſe to the Board of Revenue, who ſhall forward the collector's report, with their opinion on the ſubject, to the Governor General in Council for his conſideration and orders.

Objections to be noticed to government through the Board of Revenue.

In what caſes licenſes ſhall be liable to be withdrawn.

IV. It may be expected from the operation of the foregoing rules, that the ſhops for the manufacture and ſale of ſpirits, will be removed generally to ſuch a diſtance from the military cantonments as ſhall preclude the inconvenience hitherto experienced,

from

from the eſtabliſhment of ſuch ſhops in the vicinity of thoſe ſtations. If however, it ſhall appear to the Governor General in Council, either from the repreſentations of the commanding officer, or from any other ſource of information, after the annual iſſue of licenſes, that any ſhops have been eſtabliſhed, which, from their ſituation with reſpect to any of the military cantonments, are injurious to the European troops quartered at ſuch cantonments, the Governor General in Council will order ſuch licenſes to be withdrawn, and the manufacture and ſale of ſpirits at thoſe places to be diſcontinued.

Board of Revenue to reconſider the rates of duty, at preſent levied on the manufacture and ſale of ſpirituous liquors, in the vicinity of the military cantonments.

V. With the view likewiſe of further reſtraining the conſumption of ſpirituous liquors, by enhancing the price of the commodity, it ſhall be the duty of the Board of Revenue, to reconſider the rates of duty at preſent levied on the manufacture and ſale of ſpirituous liquors, in the cities and towns, ſituated in any degree, near to any of the military cantonments, and in thoſe caſes in which it may appear to the Board of Reveuue, to be adviſable, with a view to the attainment of the object above ſtated, that the rates of duty ſhould be increaſed, to recommend the adoption of that meaſure to the Governor General in Council, conformably to the proviſion made for that purpoſe, in Section III, Regulation VI, 1800, and in Section XV, Regulation XL, 1803.

A. D. 1806. REGULATION XXI.

A REGULATION *for making certain alterations in the office of tehſeeldar in the province of Benares, and in the ceded and conquered provinces, on the death, reſignation, or removal of any of the perſons, by whom thoſe offices are at preſent held.*—PASSED *by the Governor General in Council, on the 2d of December* 1806; *correſponding with the* 18*th Aughun* 1213 *Bengal era; the* 6*th Aughun* 1214 *Fuſſily; the* 18*th Aughun* 1214 *Willaity; the* 7*th Aughun* 1863 *Sumbut; and the* 20*th Ramjaun* 1221 *Higeree.*

Preamble.

WHEREAS it has been deemed adviſable, that certain alterations ſhould be made in the office of tehſeeldar in the province of Benares, and in the ceded and conquered provinces, (Cuttack excepted), on the death, reſignation, or removal of any of the perſons, by whom thoſe offices are at preſent held; the following rules have been enacted; to be immediately in force in the province of Benares; in the provinces ceded by the Nawaub Vizier, to the Honorable Company; in the conquered provinces in the Doaub, and on the right bank of the river Jumna; and in that part of the territory

territory in Bundlecund ceded to the Company by His Highneſs the Peiſhwah, to which the laws and regulations of this government have been hitherto extended.

On the death, reſignation, or removal of any of the preſent tehſeeldars, government will fix the allowances of their ſucceſſors on a conſideration of the amount of the revenue, the extent of the country, or other local circumſtances, rules to be obſerved by the collector and magiſtrates in ſuch caſes.

II. Whenever any of the preſent tehſeeldars in any of the above mentioned provinces ſhall die, or ſhall reſign, or ſhall be removed from office on account of miſconduct, under the powers veſted in the Governor General in Council by the general regulations, the Governor General in Council will fix the perſonal allowances which it may be proper to grant to their ſucceſſors, and likewiſe, the amount which it may be proper to allow to them for the maintenance of eſtabliſhments, both as receivers of the public revenue, and as officers of police, on a conſideration of the amount of the revenue to be collected by ſuch tehſeeldars; of the extent of country compriſed within the limits of their reſpective tehſeeldarries; and of other local circumſtances. It ſhall accordingly be the duty of the collector of the diſtrict in which any tehſeeldar may die, or reſign, or be diſmiſſed from office, to report to the Governor General in Council through the Board of Revenue, the amount of the perſonal ſalary which the collector would propoſe to be granted, on the principles above ſtated, to the new tehſeeldar, and of the eſtabliſhment which he would propoſe to be allowed for the collection of the public revenue. The magiſtrate of the diſtrict in which any tehſeeldar may die, reſign, or be diſmiſſed from office, ſhall likewiſe at the ſame time, ſubmit to government through the court of Nizamut Adawlut, a ſtatement of the eſtabliſhment which it may appear neceſſary to allow to the new tehſeeldar in quality of an officer of police, for the apprehenſion of public offenders, and for the maintenance of the peace within the limits of his tehſeeldaree.

Tehſeeldars ſo appointed ſhall be veſted with the ſame powers as the preſent tehſeeldars.

III. Tehſeeldars appointed under the preſent regulation, ſhall, be veſted with the ſame powers as the preſent tehſeeldars are, or may be empowered to exerciſe, both as receivers of the public revenue and

and as officers of police, under the regulations eſtabliſhed in the abovementioned provinces reſpectively.

Tehſeeldars to be appointed ſhall be reſponſible for the jumma of their tehſeeldarries under certain reſtrictions.

IV. Tehſeelders appointed under the preſent regulation, ſhall be reſponſible for the jumma of the mohauls included within their reſpective tehſeeldarries; provided, however, that if any loſſes ſhall be proved to the ſatisfaction of the Governor General in Council to have ariſen from the impracticability of realizing any balances due from zemindars, farmers, or others by the ſale of their property, or by other legal means; or if the Governor General in Council ſhall in any particular caſe deem it juſt and proper to grant remiſſions in favor of any of the ſaid zemindars, farmers, or others; the tehſeeldars ſhall obtain abatements proportioned to the amount of ſuch loſſes or remiſſions. Provided alſo, that the tehſeeldars ſhall obtain abatements from the jumma ſpecified in their engagements, in proportion to the actual loſſes which may be proved to the Governor General in Council to have been ſuſtained in lands held amauny.

The ſalaries and eſtabliſhments allowed to the tehſeeldars as receivers of the revenue, and for the ſupport of the police, how to be paid to them.

V. The perſonal ſalary and amount of the eſtabliſhment which may be granted to the tehſeeldars under the preſent regulation as receivers of the public revenue, ſhall be paid to them by the collectors; and the eſtabliſhment which may be allowed to the tehſeeldars for the ſupport of the police, ſhall be paid to them by the magiſtrates; and the expenſe incurred on thoſe two accounts, ſhall be charged to the revenue and judicial departments reſpectively.

A. D. 1806. REGULATION XXII.

A REGULATION *for modifying the rules hitherto obſerved in the admiſſion and payment of claims to penſions.*—PASSED *by the Governor General in Council, on the* 18*th of December* 1806; *correſponding with the* 5*th Pooſe* 1213 *Bengal era; the* 22*d Aughun* 1214 *Fuſſily; the* 5*th Pooſe* 1214 *Willaity; the* 8*th Aughun* 1863 *Sumbut; and the* 6*th Showaul* 1221 *Higeree.*

Preamble.

WHEREAS under the proviſions contained in Regulation XXIV, 1803, (extended by Section XVII, Regulation VIII, 1805, to the conquered provinces ſituated within the Doaub, and on the right bank of the river Jumna, and to the territory ceded to the Honorable the Engliſh Eaſt India Company in Bundlecund by the Paiſhwah,) the collectors are authorized to decide on claims preferred to penſions received under the former government, to the amount of one hundred ſicca rupees per annum; and whereas it is expedient that ſuch claims ſhould not be admitted without the confirmation of the Board of Revenue; and whereas the ſame principle requires that the rule contained in Section V, Regulation XXIV, 1793, (extended to Cuttack, by Regulation XII, 1805,) ſhould likewiſe be reviſed and amended; and alſo, that

proviſion

proviſion ſhould be made for the commutation of penſions, in certain caſes, for grants of waſte land, to be held free of aſſeſſment; the following rules have been enacted; to be in force from the time of their promulgation throughout the provinces immediately dependant on the preſidency of Fort William.

Claims to penſions not exceeding 100 rupees per annum, in the ceded and conquered provinces to be enquired into by the collectors under Regulation XXIV, 1803, and their proceedings thereon tranſmitted for the final deciſion of the Board of Revenue.

II. Whenever claims may be preferred by individuals in the provinces ceded to the Honorable Company, by His Excellency the Nawaub Vizier, or in the province of Bundlecund, or in the conquered provinces lying on the right and left bank of the river Jumna to penſions received under the former government, not exceeding ſicca rupees one hundred per annum, whether under the title of rozeena or any other deſignation, the collector ſhall make the neceſſary enquiry into the validity of the claimant's title to the penſion under the rules contained in Regulation XXIV, 1803. Previouſly however to the final admiſſion of any claims of that deſcription, the collector ſhall ſubmit the proceedings held by him, accompanied with his ſentiments on the ſubject, to the Board of Revenue, who on a conſideration of the circumſtances of the caſe, ſhall decide finally, with reference to the principles ſtated in Regulation XXIV, 1803, whether the claim to the continuance of the penſion in queſtion ſhould be admitted or otherwiſe.

The principle of the foregoing rule to be in force in the lower provinces with reſpect to penſions not exceeding fifty rupees per annum.

III. The principle of the foregoing rule ſhall likewiſe be conſidered to be in force in the provinces of Bengal, Behar, Benares and Oriſſa, including Cuttack. The collectors therefore in thoſe provinces, inſtead of deciding by their own authority upon claims to penſions not exceeding fifty rupees, under the rule, which has hitherto exiſted with reſpect to that point, ſhall ſubmit their proceedings in the manner above ſtated, to the Board of Revenue, for their final deciſion on the ſubject. This rule of courſe ſuperſedes the proviſions contained in Section V, Regulation XXIV, 1793, and in Section XVII, Regulation XXIV, 1803, under which any perſon having a claim to a penſion not exceeding the ſum above ſpecified, which may have been rejected by the collector, and by

Section V, Regulation XXIV 1793, and Section XVII, Regulation XXIV, 1803, ſuperſeded by the above rule.

the

the Board of Revenue, are empowered to bring the case by appeal before the Governor General in Council.

The foregoing rules not to effect decisions already regularly passed by the collectors.

IV. It is not intended by the foregoing rules, to rescind, or otherwise to affect any decisions already regularly passed by the collectors, or by their predecessors, in any part of the country, upon claims preferred to the continuance of pensions in their respective districts, not exceeding the sums above specified; but the several collectors are hereby required to transmit to the civil auditor, within three months from the present date, a list of the several pensions adjudged by them, or their predecessors, under the rules hitherto observed, with reference to the monthly abstracts submitted by them to the Board of Revenue, in pursuance of Section VI, Regulation XXIV, 1793, and Section XVIII, Regulation XXIV, 1803; and the auditor shall be guided by such lists (after comparing them with the monthly abstracts referred to) in auditing the sums charged by the collectors on account of pensions of the above description, admitted previous to the promulgation of this regulation. In order likewise to facilitate the general audit of pensions, the collectors shall furnish the civil auditor, within the above mentioned period of time, with a separate list of authorized pensions payable in their respective districts, exceeding the sums above specified, including reference to the orders of government, by which such pensions have been sanctioned; and the auditor shall be guided by such lists (after comparing them with the authorities quoted) in the future audit of those pensions; applying however to the Board of Revenue, for more particular information, in cases in which he may entertain any doubts on the subject.

What information to be transmitted to the civil auditor by the collectors to facilitate the audit of the sums charged by them for pensions.

Civil auditor to be informed of the continuance of all pensions hereafter authorized by the Board of Revenue under this regulation, or by government.

V. Whenever the Board of Revenue may hereafter authorize the continuance of any pensions not exceeding the sums specified in Section II and III, of the present regulation, they shall furnish the civil auditor, with the necessary information on the subject; and no pensions of the above description, shall in future be consi-

dered

dered to be authorized, excepting ſuch as may have been confirmed by the Board of Revenue. In like manner, the civil auditor will be informed by order of government, of any penſions exceeding the ſums above ſpecified, which may be authorized by the Governor General in Council.

Collectors to furniſh any further information required by the civil auditor.

VI. The ſeveral collectors are hereby required to furniſh the civil auditor with any further accounts or information which he may require reſpecting the penſions payable in their reſpective diſtricts, and to adhere to any forms with which he may furniſh them for preparing the above, or any other reports which may be required on the ſubject, by that officer.

Rules under which the Board of Revenue are to determine upon the continuance of lapſed penſions not exceeding the ſums above ſpecified.

VII. Whenever a perſon in whoſe favor a penſion, not exceeding the ſums above ſpecified, has been or may be adjudged, ſhall die; it ſhall be left to the Board of Revenue to determine, after receiving the report of the collector, whether the ſaid penſion or any part of it ſhall be continued to the heirs and ſucceſſors of the deceaſed; but in the exerciſe of this power, the Board of Revenue is hereby required to aſcertain particularly, the ſituation and circumſtances of the party claiming the continuance of the penſion, and not to comply with any applications of that nature, unleſs on the ground of poverty or for other ſubſtantial reaſon, the party claiming the penſion ſhall have a ſtrong claim on the indulgence of government. All applications for the continuance of penſions exceeding the ſums above ſpecified, are to be reported, agreeably to the rule at preſent in force, to the Governor General in Council, for his orders.

Applications for the continuance of penſions exceeding thoſe ſums to be reported to government as at preſent.

Cautions to be obſerved by the collectors as to the perſons at preſent receiving penſions.

VIII. The collectors of the revenue are hereby required to make it a particular object of their attention to aſcertain, whether the perſons at preſent receiving penſions, are the individuals to whom the penſions were originally adjudged; and in thoſe caſes in which it may appear that the individuals to whom the penſions were adjudged are dead, to diſcontinue the payment thereof, until

until it ſhall have been determined under the preceding rules, whether the ſaid penſions, or any part thereof ſhould be continued to their heirs and ſucceſſors, or otherwiſe.

Penſions to be in all practicable caſes commuted for grants of waſte land reſtiree.

IX. It being declared in the regulations, that penſions, with the exception of thoſe ſpecified in Section II and III, Regulation XXIV, 1803; and in the latter part of Section XXX, Regulation XII, 1805, are gratuitous; and that the continuance or diſcontinuance of them, is to depend upon the pleaſure of government; the penſions at preſent received, ſhall in all practicable caſes, be commuted for grants of waſte land, to be held by the grantees, and their poſterity, in perpetuity, free of aſſeſſment: Provided, however, that no penſions ſhall be ſo commuted during the life of the perſons by whom they are at preſent received, (in caſe they have been regularly inveſtigated and adjudged) except with their own conſent. Provided alſo, that penſions granted for and bonâ fide, appropriated to the ſupport of inſtitutions, either of the Hindoo, or Mahomedan religion, ſhall be continued for the ſupport of ſuch inſtitutions; unleſs the preſent incumbents, or their ſucceſſors, ſhall of their own free will and accord, agree to accept grants of waſte lands, to be held free of aſſeſſment, under a permanent tenure, in lieu of the ſaid penſions. Provided, moreover, that no penſions which are declared to be hereditary, either by the terms of the grant, or by any exiſting regulation, ſhall be ſo commuted without the conſent of the preſent penſioners, or their ſucceſſors.

Proviſions as to certain penſions which are not to be ſo commuted without the conſent of the parties.

Meaſures to be adopted by the collectors preparatory to ſuch commutations.

X. Whenever a penſioner may die, or may be deſirous of commuting the penſion received by him, for a grant of waſte land, it ſhall be the duty of the collector to aſcertain and report, where lands capable of cultivation, and conveniently ſituated, with reference to the perſon to whom they are to be granted, can be obtained for that purpoſe. If it be intended to make the propoſed grant within the limits of the diſtrict in which the penſion may have been hitherto paid, the collector will of courſe have ample means of obtaining the neceſſary information on the ſubject, from his

his own records, and through the channel of his own officers. If it be intended to make the proposed grant in any other district, the collector shall apply to the collector of that district, for the necessary particulars on the subject, and in either case, shall report the result to the Board of Revenue.

Board of Revenue to report such cases to government and to submit a draft of the proposed sunnud for the signature of the chief secretary, or the secretary in the revenue and judicial department.

XI. Whenever the Board of Revenue may be of opinion on a consideration of the reports above noticed, and of any further information which they may require from the collectors, that it would be advisable, under the provisions and restrictions stated in the two preceding sections, to commute any of the pensions at present receivable for grants of waste land, (whether such pensions exceed, or fall short of the sums specified in Sections II, and III, of this regulation) they shall report their sentiments on the subject to government, accompanied with the draft of a sunnud for the grant in question, to be signed if approved, by the chief secretary of government, or by the secretary in the revenue and judicial department, by order of the Governor General in Council. In framing which grants, the Board of Revenue shall particularly attend to the purposes for which the grants are made, and to the wishes of the grantees in regard to the form and title of the deeds.

General rule as to the quantity of land to be so granted.

XII. In ordinary cases, the quantity of land shall be such, that the annual net rent produce of it, when brought into cultivation may be equivalent to the annual amount of the pension. The Governor General in Council however, reserves to himself, the power of increasing or diminishing that quantity, as the situation of the parties and other circumstances may suggest. The Governor General in Council will likewise authorize, in addition to such grants of land, the payment of a sum of money to enable the grantee, with greater facility, to bring the lands into cultivation; Provided, however, that such sum shall not in any case exceed the amount of the pension, in commutation of which the land has been granted, for one year.

Government may increase or diminish the quantity and will authorize certain pecuniary payment to assist in bringing the land into cultivation.

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Salary of the assembly of pundits, and officers, to be assigned by the Governor General.	—	XVIII.	

Vacancies

		Regulation.	Section.	Clauſe.
	Vacancies to be reported by the collector to the Board of Revenue; and if neceſſary, by that Board to the Governor General. -	IV.	XIX.	
	Collectors empowered to levy fines for miſconduct, with certain proviſos. - -	——	XX.	
	Official ſituation and duties of the collector of the tax on Pilgrims at Juggunnauth. -	——	XXI.	
	Town of Juggunnauth and adjacent country made a police juriſdiction, and one or more of the Dewul Purchas at the pleaſure of the Governor General to be appointed darogah with the cuſtomary powers. - -	——	XXII.	
	Penalty for Loll Jatrees endeavouring to evade the payment of the tax. - -	V.	II.	
§ IX, R. IV, 1806, referred to.	Sonaſſies added to the liſt of exempted perſons,	——	III.	
§ XXI, R. IV, 1806, referred to.	The prohibition of peons, &c. entering the temple only applicable to them when diſcharging their duty as police officers. - -	——	IV	
	SUDDER DEWANNY ADAWLUT.			
	Empowered to direct an omiſſion of vacation occaſionally in zillah, provincial, and city courts. - - -	I.	XIX.	
	When attachment of property made under a zillah or city court is continued during an appeal to the Sudder Dewanny Adawlut, or when that court orders an attachment—rules to be obſerved—vide zillah and city court, Regulation II, Section V, and VI.	II.	VII.	
R. XI, 1793. R. XLIX, 1803 extended to Cuttack by R. XIV, 1805, referred to.	Competent to appoint the Dewul Purchas, commiſſioners in Juggunnathpore and its dependencies to try civil ſuits to a limited amount, and authorized to preſcribe to the commiſſioners ſuch rules as may be found expedient,	IV.	XXIII.	
	Inveſted with general controul over all commiſſions appointed for the trial of European public officers accuſed of certain offences, and empowered to inſtruct the commiſſioners on all points not expreſsly provided for in the regulations with what proviſion, -	VIII.	VIII.	
	How to proceed on receiving the reports of commiſſioners for the trial of European public officers, - - -	——	XVI.	

STAMPS.	Regulation.	Section.	Clause.	
Official ſignature of ſuperintendant or other authorized officer to be indorſed on each ſtamp, with date of authentication, -	XIII.	II.		
Penalty for omiſſion, - -	——	——		
Such ſignatures not neceſſary for rowannahs and licences, - - - -	——	III.		
Collectors of cuſtoms and land revenue, reſponſible for not iſſuing ſtampt paper for rowannahs and licences without their official ſignature,	——	——		
Sunnud to be furniſhed by collectors of land revenue to all venders of ſtampt paper, -	——	IV.		
Such ſunnud to be furniſhed by Secretary to the Board of Trade, and all other public officers authorized to diſpoſe of ſtamps, -	——	V.		
Receivers of ſunnuds liable to proſecution in the civil courts for infringement of their agreement, - - - -	——	——		
Liſt of ſtamp venders to be furniſhed by collectors of land revenue to judges of civil courts and affixed in their own cutcheries.	——	VI.		
Collectors for the ceded and conquered provinces to appoint an agent for the ſale of ſtampt paper at the civil courts in their diſtricts,	——	VII		C. II. § XIV, R. XLIII, 1803, reſcinded.
Penalty for the unauthorized ſale of ſtampt paper, - - -	——	VIII.		
By what proceſs recoverable—reward to the informer—diſcretion to the judge of reducing the fine or ordering a limited impriſonment, if not recovered—endorſement to be uſed by public officers on ſtampt paper ſold by them,	——	IX.		§ III, R. XIV, 1797. § XXXI, R. VI, 1803, referred to.
Penalty for breach of this rule, and how recoverable, - - -	——	——		
All documents on ſtamps unauthentic after one year from the date of Regulation XIII, 1806,	——	X.		
Collectors how to act with regard to ſtamps received from the ſuperintendant, and not diſpoſed of before the time ſpecified, -	——	XI.		
Courſe to be purſued with all perſons ſuſpected of aiding or abetting in the forging of ſtamps or knowingly receiving ſuch, and penalty on conviction of ſuch perſons, - -	——	XII.		§ XXX, R. VI 1797. § XXXIV, R. XLIII, 1803, confirmed. C. II, § VIII, R. LIII, 1803, referred to.

Individuals

		Regulation.	Section.	Clause.
§ XVIII, R. VII, 1800. C. IV, § XV, R. XLIII, 1803, adduced.	Individuals not forbidden to use unstampt paper for all documents, but none but stampt paper to be received in evidence, - -	XIII.	XIII.	
	SALT.			
	Salt not to be transported without a chellaun,	IX.	II.	First.
	Chellaun to be furnished by salt agents.	IX.	II.	Second.
	By whom to be signed, and what to specify.	——	——	Third.
	To be certified at foot by the receiver.	——	——	Fourth
	To be kept always in readiness for producing.	——	III.	
	Penalties for default. - -	——	——	
	Chellauns where to be demanded and verified, and by whom. - -	——	IV.	First & Second.
§ XXIX. R. VI, 1801, referred to.	Clandestine or fraudulent dealings in chellauns punishable as in rowannahs and char chitties.	——	V.	
	TWENTY FOUR PERGUNNAHS.			
	A court of civil judicature to be established near Calcutta, to be called the 24 Pergunnahs.	VII.	II.	
	Extent of its civil jurisdiction. -	——	III.	
	Jurisdiction of zillah Hoogly or any other over any Mehals of the 24 pergunnahs, to cease from the date of this regulation. -	VII.	IV.	
	Provision for transmission of records of depending causes relating to zillah Hoogly, and for future transmission of records of decided causes. - - -	——	IV.	
R. XLI, 1793, referred to.	Powers and duties of the judge of the 24 pergunnahs. - - -	——	V.	
	Not to exercise powers or duties of magistrate. c - -	——	VI.	
	Duties of magistrate in the 24 pergunnahs by whom to be performed.	——	——	
§ XXVI, R. II, 1800, rescinded.	Complaints cognizable in any court of dewanny adawlut cognizable in the court of 24 pergunnahs. c - - - -	——	VIII.	
	ZILLAH AND CITY COURTS.			
Part of R. III, V, and IX, 1793, rescinded,	Zillah of Moorshedabad abolished mehals composing it annexed to city Moorshedabad and zillah Beerbhoom. - -	I.	II.	
Part of R. V, and IX, 1793, rescinded.	Zillah Beerbhoom taken from jurisdiction of Calcutta, and placed under court of circuit			

and

	Regulation.	Section.	Clause.	
and provincial court of appeal for Moorſhiedabad. - - - -	I.	III.		
Proceſs firſt ſerved on the defendant to be a notice containing only a ſhort ſtatement of the demand with a requiſition to attend in perſon or by vakeel, and to anſwer the plaint on or before a certain day. - -	II.	II.	*Firſt.*	§ V, R. IV, 1793. § V, R. III, 1803, modified.
May be received by an agent whoſe endorſement will be an acknowledgment.	—	—	*Second.*	
If the defendant have not an authorized agent at that place, what ſteps to be purſued.	—	—	*Third.*	
If the defendant reſide in another zillah, what to be done. - - -	—	—	—	
If the defendant reſide neither in that nor any other zillah, but the ſuit be cognizable in ſuits for immovable property, from the property being within the juriſdiction or the cauſe of action having ariſen within the juriſdiction, what conduct to be had recourſe to, -	—	—	—	
Notices to weavers, molungees, and thoſe employed about the Company's inveſtment how to be ſerved. - -	—	—	*Fourth.*	
In the caſe of abſconded, concealed, or unfound defendants, what to be the conduct of the judge on receiving ſuch report from the nazir.	—	III.		§ XI, R. IV, 1793, & § XIII, R. III, 1803, re-enacted.
If a defendant ſhall not appear within the time proclaimed or having received a notice within the time ſpecified, what method to be purſued,	—	—		
In what caſes, and in what form, ſecurity for appearance to be required from a defendant.	—	IV.		§ V, R. IV, 1793, § V, R. III, 1803, re-enacted.
What ſecurity bond to be in ſuch caſes executed, and to what extent. - -	—	—		§ III, R. XI, 1797, § XIX, R. III, 1803, re-enacted.
In what caſes and to what amount malzaminy may be required, and what penalty is incurred by non compliance. - - -	—	V.	*Firſt.*	§ II, R. III, 1802, § VIII, R. XIV, 1803, applied.
How the attachment of the property of a defendant refuſing to give ſecurity is to be made, and the conſequences of ſuch attachment.	—	—	*Second.*	
In what caſes to be made by collector.	—	—	—	
On the deciſion of the ſuit what order to be paſt with reſpect to the property attached.	—	—	—	§ VI, R. V, 1798, C. IX, § XII, R. IV, 1803, applied.

Conſequence

	Regulation.	Section.	Clause.
Conſequence of the plaintiff's claim being diſmiſſed.	II.	V.	Third.
In what order of time trial ſhall come on of a cauſe in which property has been attached by them.	——	VI.	
Under what circumſtances the attachment may be taken off.	——	——	
When perſonal bail, or ſecurity for money is required in an original civil ſuit, and the party ſhall tender ſufficient money-ſecurity, what conduct to be purſued.	——	VIII.	
In general reſtricted from granting indulgence of time in the ſatisfaction of final judgment where there is property.	——	X.	
Under what circumſtances this rule may be diſpenſed with, though there be property.	——	——	
Competent to receive engagements for paying by inſtalments when property cannot be ſhewn.	——	——	
The debtor to be diſcharged in ſuch caſes, and how far liable to further arreſt.	——	——	
What intereſt chargeable in ſuch inſtances.	——	——	
Under what circumſtances and with what proviſions authorized to releaſe inſolvent debtors and their ſureties, under confinement for the ſatisfaction of the decrees of the civil courts, and having no means of diſcharging the amount demandable of them.	——	XI.	
Their conduct in this inſtance ſubject to the reviſion of the ſuperior Courts.	——	——	
Proceſs for bringing evidence before commiſſions for the trial of European public officers for certain offences to be ſerved through them.	VIII.	XIII.	
Parts of C. I § III, R. VIII, 1805, reſcinded. Juriſdiction of northern diviſion of Scharunpore incorporated with the ſouthern diviſion—all papers and records to be tranſmitted to the judge of the ſouthern diviſion.	XIV.	III.	
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§ VII, R. V. 1799, modified. Rule to be purſued by them reſpecting the eſtate of deceaſed Britiſh European ſubjects.	XV.	VI.	

TITLES

OF THE

REGULATIONS

PASSED IN THE

YEAR 1807.

REGULATION

I.

A REGULATION *for defining the duties to be performed, and powers exercised by single judges of the provincial courts of appeal, in the absence of the other judges of the court.—Passed on the 29th January, 1807.*

II.

A REGULATION *to provide more effectually for the punishment of perjury, subornation of perjury, and forgery.—Passed on the 29th January, 1807.*

III.

A REGULATION *for modifying certain parts of Regulation IX, 1800, for the foundation of a college at Fort William.—Passed on the 5th February, 1807.*

IV.

IV.

A REGULATION *for determining the rates at which rupees of ſorts, ſhall be received and iſſued in the ceded and conquered provinces, during the exiſtence of the depending ſettlement of the land revenue in thoſe provinces.—Paſſed on the* 19*th March*, 1807.

V.

A REGULATION *for amending Regulation* VI, 1799, *providing rules for the cultivation of the poppy, and the proviſion of opium, in the provinces of Bengal, Behar, Oriſſa, and Benares.—Paſſed on the* 19*th March*, 1807.

VI.

A REGULATION *for reſtricting the partition of ſmall eſtates paying reveuue to government.—Paſſed on the* 2*d April*, 1807.

VII.

A REGULATION *for making certain alterations in the proviſions which have hitherto been in force in the province of Benares, reſpecting perſons paying, or wiſhing to pay their revenue directly to the treaſury of the collector, inſtead of paying it through the medium of a tehſildar.—Paſſed on the* 16*th April*, 1807.

VIII.

A REGULATION *for modifying certain parts of Regulation* XIII, 1806, *reſpecting ſtampt paper.—Paſſed on the* 16*th April*, 1807.

IX.

A REGULATION *for explaining and amending the exiſting rules of criminal proceſs, and for defining in certain caſes the powers and duties of the police officers of the zillah and city magiſtrates, and of their aſſiſtants, of the courts of circuit, and of the court of Nizamut Adawlut.—Paſſed on the* 12*th May*, 1807.

X.

REGULATION

X

A REGULATION *for the concluſion of the enſuing ſettlement in the ceded and conquered provinces —Paſſed on the 11th June, 1807*

XI

A REGULATION *for veſting the control of the cuſtoms, with certain exceptions, in the Board of Commiſſioners, appointed under Regulation X, 1807 —Paſſed on the 11th June, 1807*

XII.

A REGULATION *for the appointment of ameens of police, in the provinces of Bengal Behar and Oriſſa, and for defining the duties to be performed by them, alſo, for obtaining a complete regiſter of guards and watchmen, employed by landholders, farmers and others, and declaring the reſponſibility of their employers, for the conduct of ſuch ſervants, in certain caſes —Paſſed on the 19th June, 1807.*

XIII.

A REGULATION *for modifying certain parts of Regulation XXXV, 1793, Regulation XLV, 1803, and Regulation XII, 1805, relative to engagements for rupees or gold mohurs, not being of the eſtabliſhed coinage —Paſſed on the 25th June, 1807.*

XIV.

A REGULATION *for amending the ſyſtem of police eſtabliſhed in the province of Benares, and in the ceded and conquered provinces within the diviſions of Bareilly and Benares, alſo for extending to thoſe provinces the proviſions contained in Regulation XII, 1807, for the appointment of ameens of police.—Paſſed on the 2d July, 1807*

XV

A REGULATION *for modifying the conſtitution of the courts of Sudder*

IV.

A REGULATION *for determining the rates at which rupees of ſorts, ſhall be received and iſſued in the ceded and conquered provinces, during the exiſtence of the depending ſettlement of the land revenue in thoſe provinces.—Paſſed on the 19th March,* 1807.

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REGULATION.

X.

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XIII.

A REGULATION *for modifying certain parts of Regulation XXXV, 1793, Regulation XLV, 1803, and Regulation XII, 1805, relative to engagements for rupees or gold mohurs, not being of the eſtabliſhed coinage.—Paſſed on the 25th June, 1807.*

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A REGULATION *for amending the ſyſtem of police eſtabliſhed in the province of Benares, and in the ceded and conquered provinces within the diviſions of Bareilly and Benares, alſo for extending to thoſe provinces the proviſions contained in Regulation XII, 1807, for the appointment of ameens of police.—Paſſed on the 2d July, 1807.*

XV.

A REGULATION *for modifying the conſtitution of the courts of Sudder*

REGULATION.

Sudder Dewanny Adawlut and Nizemut Adawlut, so far as relates to the appointment of the judges of those courts.—Passed on the 23d July, 1807.

A. D. 1807. REGULATION I.

A REGULATION *for defining the duties to be performed and powers exercised, by single judges of the provincial courts of appeal in the absence of the other judges of the court.*—PASSED *by the Governor General in Council, on the 29th January* 1807, *corresponding with the 17th Maug* 1213 *Bengal era; the 5th Maug* 1214 *Fussily, the 17th Maug* 1214 *Willaity, the 6th Maug* 1863 *Sumbut, and the 19th Zekaad* 1221 *Higeree.*

Preamble.

NO provision having been made in the regulations for the ceded and conquered provinces, to define the duties which devolve upon a single judge of the provincial court, who may remain at the station where the court is held, during the absence of the other judges, and the provisions made for this purpose in the provinces of Bengal, Behar, and Orissa, by Section XII, Regulation VII, 1794; extended to Benares by Section XV, Regulation XVI, 1795, having been found to require explanation and amendment, moreover no part of the existing regulations providing for the performance

performance of any duty by one of the judges of the provincial courts of appeal, when another judge may be present at the station where the court is held, but may not be able to attend the sittings of the court from indisposition or other cause; the following rules are enacted by the Governor General in Council, to be in force from the time of their promulgation, in all the provinces subject to the immediate government of the presidency of Fort William.

Section XII, Regulation VII, 1794, rescinded.

II. Section XII, Regulation VII, 1794, is hereby rescinded.

Authority and direction given to a single judge of appeal, to perform the duties specified in section IV.

III. Whenever one judge only of a provincial court of appeal may be present at the station where the court is held, or though two or more judges may be present at the station, if one judge only shall be able to attend on the days fixed for the sittings of the court, which under the regulations now in force, are to be held three days in every week, or oftener, if the business shall require it, the officiating judge so attending the court, is authorized and directed to perform the duties specified in the following section.

Specification of those duties

IV. *First.* To execute all decrees, precepts and orders of the Sudder Dewanny Adawlut, and make returns in the prescribed form in all cases of reference from that court; also to receive petitions of appeal to the Sudder Dewanny Adawlut from the decisions of the provincial court, which may be duly presented within the fixed period; and to proceed thereupon as directed by the regulations.

Further duties to be performed by a single judge of a provincial court.

Secondly. To execute all decrees and orders which may have been passed by two or more judges of the provincial court, and which shall not have been carried into full execution; provided that this authority be not construed to empower any single judge to perfect interlocutory decrees, by passing final judgment or order upon any point left undetermined by the decision

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ciſion of a competent provincial court, or generally to give any determination upon the rights of parties which may not have been expreſsly adjudged at a regular ſitting of the provincial court.

What other duties a ſingle judge of a provincial court is authorised to perform.

Thirdly. To receive petitions of appeal from deciſions of the zillah and city courts, whether tranſmitted by the judges of thoſe courts, or preſented, as allowed in particular caſes by the regulations, immediately to the provincial court, and if the appeal ſhall clearly appear to be admiſſible under the preſcribed limitations and the petition for it ſhall have been duly preſented within the fixed period; to admit the appeal and iſſue all conſequent proceſs for the appearance of the reſpondent, as well as for obtaining the proceedings held upon the cauſe appealed. But if the petition of appeal ſhall not have been preſented within the limited period; or, although ſo preſented, if there appear to be any room for doubt whether the cauſe be regularly appealable to the provincial court, or if the petition be for a ſpecial appeal, in caſes where a regular appeal is not open to the provincial court, the admiſſion or rejection of the appeal ſhall be left for the conſideration of a competent court, and the ſingle judge receiving the petition, ſhall merely record the receipt of it, and of the inſtitution fee and ſecurities required to accompany it, which ſhall be returned in the event of the appeal's not being ultimately allowed by the provincial court.

Continuation of the ſpecification of duties to be performed by a ſingle judge of a provincial court.

Fourthly. To aſcertain and determine the ſufficiency of ſecurities offered for the admiſſion of appeals or for the fees of pleaders; or for ſtaying the execution of decrees appealed from; to ſummon and examine witneſſes for proving vukalutnamahs, or mokhtarnamahs; or for eſtabliſhing the poverty of paupers; and to prepare appealed cauſes for trial, by receiving the pleadings of the parties, or their vakeels, and any exhibits which may accompany them.

Fifthly.

Further specification of those duties.

Fifthly. To ſummon and examine any witneſſes upon the merits of the caſe in appeal whom the provincial court may have previouſly ordered to be examined: or where evidence may be offered upon points in which the provincial court may have reſolved to admit new evidence on a previous hearing of the appeal. But this authority ſhall not be conſidered to empower any ſingle judge to ſummon or examine witneſſes, upon any point relative to the merits of a cauſe in appeal, unleſs two or more judges of the provincial court ſhall have directed the examination of ſuch witneſſes, or have reſolved to admit new evidence on the point or points, in proof of which ſuch witneſſes may be adduced.

Continuation of the ſame ſubject.

Sixthly. To proceed in cauſes referred for trial in the firſt inſtance to the provincial court by the Governor General in Council, or by the Sudder Dewanny Adawlut, in like manner as ſtated in the foregoing clauſes reſpecting appeals, and under the ſame reſtrictions.

What other duties are to be performed by a ſingle judge of a provincial court.

Seventhly. To receive miſcellaneous petitions relative to matters depending before, or decided by, any zillah or city court; in all caſes wherein the provincial courts are authorized to receive ſuch petitions; and to proceed thereupon as the provincial courts are empowered to proceed; except that no final order ſhall be paſſed upon the ſubject of any ſuch petition, until two or more judges be preſent, nor ſhall a ſingle judge of the provincial court be deemed competent to paſs a final and concluſive order, in any caſe whatever.

Concluſion of this ſubject.

Eighthly. To correſpond with the Governor General in Council, with the Sudder Dewanny Adawlut, with the other provincial courts of appeal, with the zillah and city courts, and generally with all public officers, in like manner as the provincial courts are authorized to correſpond with ſuch public officers; and to perform

perform all miſcellaneous duties, ariſing out of ſuch correſpondence, or incident to the neceſſary diſcharge of the uſual functions of an officiating judge of a provincial court of appeal, alſo to furniſh the monthly and other periodical reports and accounts preſcribed by the regulations; or required by the orders of government, or of the court of Sudder Dewanny Adawlut.

In the execution of the duties above deſcribed, a ſingle judge of a provincial court, or an acting judge thereof, to poſſeſs the ſame powers as the court collectively; ſubject to the reſtrictions ſpecified and to the further reſtriction in Section VI.

V. In the execution of the duties preſcribed by the preceding ſection, a ſingle judge of a provincial court of appeal, or an acting judge appointed to officiate as ſuch, when none of the judges of a provincial court may be preſent at the ſtation where the court is held, ſhall poſſeſs the ſame powers as are veſted by the regulations in the court collectively, ſubject to the ſeveral reſtrictions ſpecified, and alſo to the further reſtriction noticed in the following ſection.

How a ſingle judge of a provincial court, or an acting judge or regiſter thereof, is to proceed with a perſon appearing to be guilty of perjury.

VI. In the event of any witneſs, who may be examined by a ſingle judge of a provincial court, or by a perſon appointed to officiate as ſuch, or by the regiſter of the provincial court acting under the orders of a ſingle judge, appearing to be guilty of perjury, ſo as to merit commitment for trial before the court of circuit, in purſuance of the proviſions made by the regulations for that purpoſe; the judge may cauſe ſuch witneſs to be held to bail, or if ſatisfactory bail be not given for his appearance at the firſt regular ſitting of the provincial court, may cauſe him to be kept in cuſtody until he can be brought before two or more judges of the provincial court, but ſhall not paſs a final order to commit the witneſs for trial on a charge of perjury until the grounds of it ſhall have been ſubmitted for the determination of a competent court.

Powers veſted by this regulation in a ſingle judge of a provincial court, not to be conſtrued to prevent the court at large, or any two

VII. The powers veſted by this regulation in a ſingle judge of a provincial court of appeal, ſhall not be conſtrued to prevent the court at large, or any two judges of the court, from re-examining witneſſes

Judges thereof from re-examining witneſſes, or performing any of the other acts herein ſpecified.

witneſſes whoſe depoſitions may have been taken before a ſingle judge, if it appear requiſite; or from examining any other witneſſes in the cauſe; or generally from paſſing any order that may appear proper, and conſiſtent with the regulations, whether in addition to, or in qualification or abrogation of, any previous order of a ſingle judge.

A. D. 1807. REGULATION II.

A REGULATION *to provide more effectually for the puniſhment of perjury, ſubornation of perjury, and forgery.*—PASSED *by the Governor General in Council, on the* 29*th January* 1807, *correſponding with the* 17*th Maug* 1213 *Bengal era; the* 5*th Maug* 1214 *Fuſſily; the* 17*th Maug* 1213 *Willaity; the* 6*th Maug* 1863 *Sumbut; and the* 19*th Zekaad* 1221 *Higeree.*

Preamble.

NOTWITHSTANDING the proviſions made by Regulation XVII, 1797, in the provinces of Bengal, Bahar, Oriſſa, and Benares, and by Section XL, Regulation VII, 1803, in the ceded provinces, (extended to the conquered provinces and to Bundlecund by Regulation IX, 1804,) for puniſhing, to the full extent authorized by the Mahomedan law, perſons convicted of giving falſe teſtimony on oath, or under a ſolemn declaration, in the courts of judicature, civil or criminal, this flagrant offence is found ſtill to prevail, with ſubornation of perjury, and forgery, equally injurious to the rights of individuals, and to the due adminiſtration of juſtice; and no ſpecific penalties having been attached to theſe crimes by the Mooſulman law; which has left them puniſhable at diſcretion, by flagellation, impriſonment, and public ignominy; perſons

perſons convicted of them have been ſentenced to various, and in ſome inſtances inadequate puniſhment, according to the futwahs of the Mahomedan law officers of the courts of circuit. It is therefore requiſite, that further proviſion be made to define, as far as the degrees of criminality in different caſes may admit, the ſentences which are to be paſſed by the courts of circuit, upon perſons convicted before them of wilful perjury, ſubornation of perjury, or forgery. It is alſo expedient to declare ſuch heinous and prevalent offences not bailable, except in ſpecial caſes; and to expedite the exemplary puniſhment of perſons who may be guilty of them before the courts of circuit, by providing for their immediate commitment and trial, when the whole of the requiſite witneſſes may be in attendance. The following rules are accordingly enacted by the Governor General in Council for the purpoſes aforeſaid; to be in force, from the time of their promulgation, throughout the whole of the provinces ſubject to the immediate government of the preſidency of Fort William.

Regulation XVII, 1797, and Section XL, Regulation VII, 1803, reſcinded.

II. Regulation XVII, 1797, and Section XL, Regulation VII, 1803, are hereby reſcinded.

Sentence to be paſſed on perſons convicted before the courts of circuit of perjury, ſubornation of perjury, or forgery.

III. *Firſt.* If any perſon amenable to the juriſdiction of a court of circuit, ſhall be convicted before that court, whether by his free and voluntary confeſſion, or by the teſtimony of credible witneſſes, or by ſtrong circumſtantial evidence, of the crime of wilful perjury, or of ſubornation of perjury, or of forgery, as defined in the following ſection of this regulation; and ſhall, in conſequence, by the futwah of the Mahomedan law officer of the court of circuit, be declared liable to diſcretionary puniſhment (*tazeer, acoobut*, or *ſeeaſut*;) the judge of circuit, before whom the trial may be held, provided he concur in the conviction of the priſoner, (and ſhall conſider him a proper object of corporal and ignominious puniſhment) ſhall ſentence the offender to be publickly expoſed, in the mode commonly denominated *tuſheer*; to have the words

"duroghgo,

"duroghgo, or jâl saz," or others, of similar import, expressing the nature of the crime in the most current local language, marked on the offender's forehead, by the common process of "*godna*;" to receive thirty stripes with a corah; and to be imprisoned and kept to hard labour for a period not less than four, and not more than seven years. If it appear proper to banish the prisoner, during the period of his confinement, from the district in which he may have resided, he will be further liable to such sentence, in pursuance of Clause Third, of Section VIII, Regulation LIII, 1803. Provided however, that if the judge of circuit, on consideration of the circumstances of the case, and the prisoner's situation, shall deem the punishment above specified too severe, he shall submit the trial with his sentiments to the Nizamut Adawlut for the final sentence of that court.

In what case the punishment above specified may be mitigated.

Second. If the judge of circuit differ in opinion from the law officer of that court, with respect to the conviction of the prisoner; he shall not pass any sentence, but shall transmit his own and the magistrate's proceedings, with his sentiments, in a letter to accompany them, for the sentence of the court of Nizamut Adawlut.

Judge of circuit, how to proceed, if the stated punishment appear inadequate to the offence; or if he differ from the law officer on the prisoner's conviction.

Third. In cases of reference to the Nizamut Adawlut, this court, after taking the futwah of its law officers, shall, if the prisoner be convicted, sentence him to any punishment deemed proper not exceeding that specified in Clause First, of this section.

IV. *First.* The crime of wilful perjury, subjecting the offender, on conviction, to the punishment stated in the foregoing section, is hereby declared to be, giving intentionally and deliberately, before a court of judicature, magistrate, or other authorized public officer, a false deposition upon oath, or under

Definition of the crime of wilful perjury, punishable under the preceding section.

a ſolemn declaration taken inſtead of an oath, relative to ſome judicial proceeding, civil or criminal, and upon a point material to the iſſue thereof.

Subornation of perjury defined.

Second. Subornation of perjury puniſhable under the preceding ſection, is declared to be the crime of procuring, or cauſing another perſon to commit the offence of perjury as above deſcribed.

and forgery.

Third. The penalties for forgery, ſtated in Section III, are meant to include all fraudulent and injurious fabrications, or alterations of written deeds, or of written or printed papers, of whatever deſcription; as well as all counterfeit ſeals or ſignatures thereto; and the illicit imitation of any public ſtamp, or ſtampt paper, eſtabliſhed by Government. It is further hereby declared, that perſons convicted of procuring, or cauſing, any ſuch forgery, will be liable to the ſame puniſhment, as thoſe convicted of having actually committed the forgery, at the inſtigation of others.

Perſons ordered to be tried for perjury, ſubornation of perjury, or forgery, not to be admitted to bail, without ſpecial cauſe.

V. Perſons charged with the crime of perjury, ſubornation of perjury, or forgery, as defined in the preceding ſection, and appearing to the civil or criminal courts by whom they may be ordered to be brought to trial before the courts of circuit, to have been guilty of the charge, ſhall not be admitted to bail, (notwithſtanding any thing declared to the contrary in any exiſting regulation) unleſs ſpecially authorized by the court under whoſe directions they are committed for trial. But nothing herein contained ſhall be conſtrued to preclude the magiſtrate from admitting to bail, perſons committed by him for trial, on charges preferred originally before him, in caſes cognizable by him under the regulations, without any order from a civil or criminal court for the commitment of ſuch perſons for trial before the court of circuit.

VI.

VI. Whenever a witneſs giving evidence before a court of circuit may be conſidered by the judge of that court to be guilty of wilful perjury, or whenever a perſon attending a court of circuit may be conſidered by the judge of that court to be guilty of ſubornation of perjury, or of forgery, in any trial or matter depending before the court, and the whole of the witneſſes required for the proof of the charge, and for the defence of the accuſed, may be alſo in attendance, it ſhall be competent to the judge of circuit to direct the zillah or city magiſtrates to commit the perſon ſo charged for immediate trial before the court of circuit; inſtead of poſtponing the commitment for trial at the enſuing ſeſſion of the court of circuit. Provided that nothing in this ſection ſhall be conſtrued to authorize the conviction or puniſhment of any perſon, charged with the crimes ſpecified, until he ſhall have been regularly put upon his trial; or until any material evidence which he may have to offer in his defence ſhall have been received, and duly conſidered.

In what caſes perſons conſidered guilty of perjury, ſubornation of perjury, or forgery, before a court of circuit, may be brought to immediate trial before that court, without poſtponement to a future ſeſſion.

Proviſo, for a regular trial; and full examination of evidence.

A. D. 1807. REGULATION III.

A REGULATION *for modifying certain parts of Regulation* IX, 1800, *for the foundation of a College at Fort William.*—PASSED *by the Governor General in Council, on the 5th February* 1807, *corresponding with the 24th Maug* 1213 *Bengal era, the 12th Maug* 1214 *Fuſſily, the 24th Maug* 1214 *Willaity, the 13th Maug* 1863 *Sumbut, and the 26th Zekaad* 1221 *Higeree.*

Preamble

WHEREAS it has been judged expedient, that the offices of provoſt and vice provoſt of the College, inſtituted at Fort William, ſhall be diſcontinued, and the immediate government of the College be veſted in a Council of the College, and that the ſtudents, admitted to the College, be not attached to it for a definite period, but their continuance be determined by their proficiency in the preſcribed courſe of ſtudy, the Governor General in Council therefore enacts the following regulation.

Certain sections of Reg. 1 of IX 1800, rescinded

II. Sections III, X, XI, XIII, XV, XVII, and XXV, of Regulation IX, 1800, are hereby reſcinded

Government of the College of Fort William vested in a Council.

III. The immediate government of the College of Fort William ſhall be veſted in a Council conſiſting of a preſident and three or more members, who ſhall be appointed by the Governor General in Council.

Meetings to be ſummoned by the Preſident.

IV. *Firſt.* The Council of the College ſhall meet, as often as may be requiſite, on ſuch days as may be appointed by the preſident; and ſhall be ſummoned, under his directions, by the ſecretary of the College Council.

Two Members conſtitute a Council.

Second. Any two members, preſent at a meeting ſo ſummoned, ſhall conſtitute a Council.

Deciſion by majority of voices,

or by a caſting vote.

Third. All queſtions ſhall be determined by the majority of voices; and in any caſe where the votes may be equally divided, the preſident, or in his abſence, the ſenior member preſent, ſhall have the caſting vote.

The College Council may propoſe Statutes.

V. The Council of the College may propoſe to the Governor General in Council the enactment of any new ſtatute, or the amendment or abrogation of any exiſting ſtatute, for the government of the College. But no ſtatute ſhall be in force until it have been ſanctioned by the Governor General in Council.

May frame rules for internal diſcipline.

VI. The Council of the College ſhall have power to frame rules and iſſue orders for the internal government and diſcipline of the College. All ſuch rules and orders ſhall be ſubmitted to the inſpection and reviſion of the Patron and Viſitor, and ſhall be

Revocable by the Viſitor.

revocable by his authority.

Authority and duties of the College Council.

VII. The Council of the College ſhall exerciſe ſuch authority and perform ſuch duties, as may be committed to them by the ſtatutes enacted, or to be enacted, for the government of the College, by the Governor General in Council.

VIII.

VIII. The members of the Council of the College, the professors, and all other officers of the College, shall be removeable at the discretion of the Governor General in Council.

Officers of the College removeable by Government.

IX. Professorships shall be established, and instruction delivered in the following branches of literature, science, and knowledge; viz. Arabic, Persian, Shanscrit, Hindoostanee, Bengalee, and Mahratta languages; Mohummudan and Hindee law; civil jurisprudence; and the regulations and laws enacted by the Governor General in Council, for the civil government of the British territories in India.

Professorships to be established.

X. The vacations, established by Section XXII, Regulation IX, 1800, are discontinued; and the four terms to be observed in each year, shall in future consist of three months each, without any vacation.

Vacations discontinued.

XI. Four quarterly examinations shall be holden in each year, instead of two half yearly examinations directed in Section XXIII, Regulation IX, 1800; prizes and honorary rewards will be publickly distributed by an officer of the College, under the directions of the Patron and Visitor, once in each year, to such students as shall appear to merit them.

Quarterly examinations to be publickly held.

Rewards to be distributed annually.

XII. So much of Section XVIII, Regulation IX, 1800, as require that the junior civil servants of the Company on the Bengal establishment, shall be attached to the College for three years, is rescinded; their continuance in College will henceforward be regulated by their proficiency: and the Patron and Visitor will determine from the reports of proficiency made to him after the public examinations, when students may be permitted to quit the College, as having completed the prescribed course of study.

Students to quit College when permitted by the Patron on report of their proficiency.

A. D. 1807. REGULATION IV.

A REGULATION *for determining the rates, at which rupees of ſorts ſhall be received and iſſued in the ceded and conquered provinces, during the exiſtence of the depending ſettlement of the land revenue in thoſe provinces.*—PASSED *by the Governor General in Council, on the* 19*th March* 1807*; correſponding with the* 7*th Chyte* 1213 *Bengal era; the* 25*th Phaugun* 1214 *Fuſſily; the* 7*th Chyte* 1214 *Willaity; the* 10*th Phaugun* 1863 *Sumbut; and the* 9*th Mohurrum* 1222 *Higeree.*

Preamble.

WHEREAS it was enacted in Clauſe Firſt, Section XVII, Regulation XLV, 1803, that the depending triennial ſettlement in the ceded provinces ſhould be made in Lucnow ſicca rupees, and that the difference between the ſeveral deſcriptions of rupees in which the former ſettlement had been made, and the Lucnow ſicca rupees ſhould be calculated according to a table of rates of the intrinſic value of all ſuch deſcriptions of rupees, compared with the Lucnow ſicca rupees; And whereas the ſaid rules were extended by Section XXVIII, Regulation VIII, 1805, to the conquered provinces, ſituated on the right and left banks

of

of the river Jumna, and to that part of the province of Bundlecund, in which the general laws and regulations of the British Government have been declared to be in force; And whereas the delay which unavoidably occurred in publishing the said table of rates, has precluded a general adherence to that rule in the formation of the depending settlement; the following rules have been enacted, to be in force from the time of their promulgation in the ceded and conquered provinces.

The operation of Clause First, Section XVII, Regulation XLV, 1803, and provisions contained in Regulation III, 1806, suspended during the existing settlements.

II. The operation of Clause First, Section XVII, Regulation XLV, 1803, and of the provisions contained in Regulation III, 1806, is hereby suspended during the existence of the depending triennial settlement, as follows: In the ceded and conquered provinces lying on the right and left banks of the river Jumna, until the expiration of the Fussily year 1215; In the province of Bundlecund, until the expiration of the year 1216.

In what species of rupees the revenues may be paid.

III. Until the expiration of the periods above specified, the zemindars, farmers, and others paying revenue to government, shall discharge the demands upon them, either in the species of rupees specified in their existing engagements, or in any other species of rupees which may be current in the different districts, at the rates of batta at which they were received and paid, previously to the promulgation of the table of rates contained in Regulation III, 1806.

Rules contained in Section XXII, Regulation XLV, 1803, altered, and rupees of sorts allowed to be re-issued from the public treasuries which they cannot be immediately recoined.

IV. It is provided in Section XXII, Regulation XLV, 1803, that rupees of sorts which may be received at the public treasuries, shall not on any account be issued therefrom, from and after the commencement of the year 1214, but shall be sent to the mint at Furruckabad, and be recoined into siccas of the Lucnow forty-fifth sun. But as it might not be practicable, in consequence of the large proportion of rupees of sorts current in the ceded and conquered provinces, to coin those rupees into Lucnow siccas immediately they should be sent; and as inconvenience might

might in consequence be experienced from the retention of considerable sums of money from circulation, such quantity only of the rupees of sorts which may be received into the treasuries of the collectors, shall be sent from time to time to the mint at Furruckabad, as can be immediately recoined into Lucnow Siccas.

Public officers to regulate their remittances of rupees of sorts to the mint for recoinage by the quantity which can be recoined without delay.

It shall accordingly be the duty of the officer entrusted with the distribution of the funds, applicable to the pay of the troops serving in the upper provinces, to keep himself constantly informed respecting the quantity of money which the mint and assay-master may be able to recoin, and to regulate, in conformity to such information, the remittances of rupees of sorts from the treasuries of the collectors, for the purpose of being recoined. The mint and assay-master is accordingly hereby required to furnish that officer with any periodical reports or other information which he may require to enable him to perform that duty.

At what rates rupees of sorts shall be reissued.

V. Such portion of the rupees of sorts as cannot be immediately recoined into Lucnow siccas, and as may be required for the pay of the troops or other exigencies of the public service, shall be issued at the rates at which they may have been or may be received into the treasuries of the collectors, under the provisions contained in the present regulation.

Rules contained in Section XVII, Regulation XLV, 1803, and Regulation III, 1806, to be in full force and effect after the expiration of the existing settlements. The ensuing settlements to be made in the Lucnow rupees.

VI. At the expiration of the present depending triennial settlement, viz. at the close of the year 1216 in Bundlecund, and 1215 in the other parts of the ceded and conquered provinces, the rule contained in Section XVII, Regulation XLV, 1803; and the provisions contained in Regulation III, 1806, shall be considered to be in full force and effect. The ensuing settlements in the ceded and conquered provinces shall accordingly be made in Lucnow sicca rupees, to be adjusted according to the table of rates contained in Section V, of the latter regulation.

None but the Lucnow rupees to be received into the public

VII. As it may likewise be expected, that at the expiration of those periods, a sufficient quantity of Lucnow sicca rupees will

be

treasuries after the expiration of the existing settlements unless authorized by a public proclamation of the Governor General in Council.

be generally current, to answer the ordinary purposes of circulation, no rupees of sorts shall after that time be received into the public treasuries, unless the Governor General in Council shall deem it advisable to authorize by a public proclamation, the receipt of such rupees in particular districts, for a limited and specific period of time.

The principle of the foregoing provisions extended to Cuttack, and the operation of Section XIII, Regulation XII, 1805, suspended.

VIII. The principle of the foregoing provisions shall be considered to be in force in the district of Cuttack. The operation of the rule contained in Section XIII, Regulation XII, 1805, which directs, that the various rupees of sorts shall be received at the treasuries in payment of the public revenue, until the expiration of the Willaity year 1215, according to the table of rates contained in Section XIV, Regulation XXXV, 1793, is accordingly suspended; and such rupees shall be received until the expiration of that period, at the rates of batta at which such rupees have hitherto been respectively received.

After the expiration of the existing settlement, the ensuing settlement of Cuttack to be made in Calcutta sicca rupees to be adjusted according to the table of rates contained in Section XIV, Regulation XXXV, 1793.

IX. On the expiration of the Willaity year 1215, the ensuing settlement of Cuttack shall be made in Calcutta sicca rupees, to be adjusted according to the table of rates contained in Section XIV, Regulation XXXV, 1793. On the principle likewise stated in Section IV of this regulation, the collector of Cuttack shall send from time to time such portion of the rupees of sorts which may be received into his treasury, to the mint at Calcutta to be recoined into siccas, as can conveniently be done without impeding the general circulation of the district; and the remainder shall be issued at the rates at which they may have been received by government. On the expiration of the year 1215, no rupees excepting Calcutta siccas of the nineteen sun shall be received into the public treasury, unless the Governor General in Council deem it necessary to dispense with the observance of that rule by a public proclamation for a specific and limited period of time.

Rules as to remitting rupees of sorts for recoinage, and the reissue of such as may be necessary.

None but Calcutta sicca rupees to be received after the expiration of the existing settlement, unless authorized by public proclamation.

X. The rules ordered to be obſerved in the diſtrict of Cuttack, ſhall likewiſe be conſidered to be in force in the pergunnahs of Pattaſpore and other late dependencies of that diſtrict now annexed to the zillah of Midnapore, in ſo far as regards the receipt of rupees of ſorts from the landholders and farmers; but as the rupees of ſorts which may be received on account of the revenue of thoſe mohauls, cannot be very conſiderable, the whole ſhall be immediately remitted to the mint at Calcutta, to be recoined into ſiccas.

The above rules as to Cuttack, to be in force in the late Marhatta pergunnahs annexed to Midnapore, but all rupees of ſorts received from thoſe pergunnahs to be remitted for recoinage.

A. D. 1807. REGULATION V.

A REGULATION *for amending Regulation* VI, 1799; *providing rules for the cultivation of the poppy and the provision of opium in the provinces of Bengal, Behar, Oriſſa and Benares.*—PASSED *by the Governor General in Council, on the* 19*th of March* 1807; *corresponding with the* 7*th Chyte* 1213 *Bengal era; the* 25*th Phaugun* 1214 *Fuſſily; the* 7*th Chyte* 1214 *Willaity; the* 10*th Phaugun* 1863 *Sumbut; and the* 9*th Mohurrum* 1222 *Higeree.*

NO proviſion having been made in Regulation VI, 1799, for commuting the penalties preſcribed by Sections IX, XV, and XVII, of that regulation, to impriſonment for a limited period, when the perſon liable to ſuch penalties may be unable to diſcharge the ſame, inſtances have occurred in which offenders convicted of illegal cultivation of the poppy, or of the contraband ſale of opium have ſuffered impriſonment more than adequate to the degree of their offence. It has therefore been deemed expedient to provide for a commutation of the ſtated penalties in ſuch caſes. It has alſo been conſidered proper to provide rules for the puniſhment of perſons giving groundleſs and falſe information under the regulation abovementioned; and for empowering the civil courts to conduct enquiries made under the regulation

lation abovementioned in a summary manner. The following rules, &c. are accordingly enacted, to be in force from the time of their promulgation, in the provinces of Bengal, Behar, Orissa, and Benares.

The same process to be issued for the recovery of penalties adjudged under the regulation herein quoted as is prescribed for enforcing decrees of court.

II. If a person convicted of any of the offences specified in Sections IX, XV, and XVII, Regulation VI, 1799, shall refuse or omit to discharge the penalty which shall have been imposed upon him, the judge shall proceed to levy the amount of the penalty by issuing the same process against the property of the offender, as is prescribed for enforcing other decrees of court.

What punishment the offender is to suffer if property sufficient to discharge the penalty be not found.

If property belonging to the offender sufficient to make good the penalty shall not be found, the judge shall commit him, for such period as he shall think proper, not exceeding six months to confinement in the jail for debtors, or in the fouzdarry jail.

How a judge is to proceed against persons giving false information against others for being concerned in dealings in contraband opium, or in the illicit cultivation of the poppy.

III. Whenever the judge shall deem any information lodged against persons for being concerned in dealings in contraband opium, or in the illicit cultivation of the poppy, to be groundless and false, he shall cause the informer to make good to the person accused, all charges which may have been incurred by him in consequence of the false information so lodged against him, together with such damages as the court shall deem it just to award upon consideration of the circumstances of the case.

All enquiries under this regulation, and Regulation VI, 1799, to be summary.

IV. All enquiries, made under this regulation, or under Regulation VI, 1799, shall be conducted in a summary manner by the judge before whom the information shall be given; subject to the general rules for appeal from his decisions to the provincial court of appeal.

A. D. 1807. REGULATION VI.

A REGULATION *for reſtricting the partition of ſmall eſtates paying revenue to government.*—PASSED *by the Governor General in Council, on the 2d April 1807; correſponding with the 21ſt Chyte 1213 Bengal era; the 10th Chyte 1214 Fuſſily; the 21ſt Chyte 1214 Willaity; the 10th Chyte 1864 Sumbut; and the 23d Mohurrum 1222 Higeree.*

Preamble.

WHEREAS under the proviſions contained in Regulations I, and XXV, 1793, perſons holding ſhares of eſtates paying revenue to government, are entitled to a ſeparation of ſuch ſhares; and on the completion of the butwarrah by the officers of government, and on the confirmation of it by the Governor General in Council to hold the ſame as diſtinct mohauls, ſubject to the juſt proportion of the public aſſeſſment; and whereas conſiderable loſs and inconvenience have been experienced in the collection of the public revenue from the too minute ſubdiviſion of landed property; the following rules have been enacted, to be in force from the time of their promulgation, throughout the territories immediately dependant on the preſidency of Fort William.

No eſtate of leſs than one thouſand rupees ſudder jumma, liable to be divided.

I. No eſtate, the ſudder jumma of which may be leſs than one thouſand rupees, ſhall be liable to be divided into two or more diſtinct eſtates. II.

No eſtate to be divided, unleſs the jumma of each ſhare amount to rupees 500.

II. In caſes in which the jumma of an eſtate may exceed ſicca rupees one thouſand, no diviſion of the land ſhall be made; unleſs each and every portion propoſed to be divided, ſhall be liable to be aſſeſſed with a ſudder jumma of not leſs than five hundred ſicca rupees.

Rule as to perſons purchaſing or inheriting ſhares of eſtates.

III. Nothing contained in this regulation ſhall be conſtrued to reſtrict the operation of the eſtabliſhed laws of inheritance, with regard to landed property; nor to prevent any zemindar, independent talookdar, or other actual proprietor of land, paying revenue to government, from ſelling, giving, or otherwiſe diſpoſing of his ſhare of, or intereſt in, any eſtate; nor to preclude the ſale thereof, in ſatisfaction of any decree which may be paſſed againſt the proprietorby the courts of judicature; but the perſon to whom ſuch ſhare or intereſt may devolve, ſhall hold the ſame as a part of a joint undivided eſtate; unleſs the land ſo obtained, and each of the other ſhares of the ſaid eſtate, ſhall be liable to be aſſeſſed with a jumma of not leſs than five hundred ſicca rupees.

A. D. 1807. REGULATION VII.

A REGULATION *for making certain alterations in the provisions which have hitherto been in force in the province of Benares, respecting persons paying or wishing to pay their revenue directly to the treasury of the collector, instead of paying it through the medium of a tehseeldar.*—PASSED *by the Governor General in Council, on the 16th April 1807; corresponding with the 5th Bysaak 1214 Bengal era; the 24th Chyte 1214 Fussily; the 5th Bysaak 1214 Willaity; the 9th Chyte 1864 Sumbut; and the 7th Suffer 1222 Higeree.*

Preamble.

WHEREAS it is provided in Section XXIV, Regulation II, 1795, that whenever the zemindars in the province of Benares may wish to become huzoory, that is, to pay their revenue directly to the collector's treasury, instead of paying it through the medium of a tehseeldar, such zemindars shall be entitled "to one "moiety of the aumils deyek and bhurray on account of the re-"venue payable by them for the purpose of enabling them to furnish "the required maul, fael, and hazir zamenny or security, for the "punctual discharge of their revenue; for their peaceable deport-"ment; and for their appearance whenever their attendance may "be

" be required;" And whereas it has been considered to be advisable in future, to dispense with any such security on the zemindars becoming huzoory; And whereas the continuance of the above mentioned provision respecting the moiety of the deyek and bhurray is consequently no longer necessary, the following rules have been enacted, to be in force from the time of their promulgation in the province of Benares.

Such parts of Section XXIV, Regulation II, 1795, or any other regulation relating to security for zemindars in Benares on becoming huzoory, rescinded.

II. Such part of Section XXIV, Regulation II, 1795, and of any other section of that or of any other regulation in force in the province of Benares as requires that security shall be taken from the zemindars on their becoming huzoory, either for their personal appearance, or for their peaceable deportment, or for the punctual discharge of their revenue, is hereby rescinded; and no such security shall be required or taken in future; the lands themselves being deemed sufficient security for the public revenue, and the zemindars being of course amenable to the general laws of the country, for their peaceable and proper demeanour. Such part of Section XXIV, Regulation II, 1795, as directs, that the zemindars in the province of Benares shall be entitled to a moiety of the numils deyek and bhurray, to enable them to furnish the said security, is likewise hereby rescinded.

Zemindars on becoming huzoory, shall have no claim to any part of the deyek and bhurray.

III. Whenever any zemindar shall become huzoory after the promulgation of this regulation, he shall pay the amount of the revenue specified in the engagements contracted by him with government, directly to the treasury of the collector, and shall not be considered to have any claim upon government on account of the moiety of the deyek and bhurray mentioned in the preceding section, or on account of any part thereof.

Zemindars desirous of becoming huzoory, shall apply to the collector, who shall comply with the application, if no objection exists. Rules in cases of objection.

IV. Whenever any zemindar may be desirous of paying his revenue directly to the collector's treasury, the collector shall immediately comply with the application, unless he may be of opinion, that in consequence of the situation of the lands, or

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of other circumſtances, public inconvenience will be experienced from that arrangement; in which caſe, he ſhall furniſh the Board of Revenue with the neceſſary report on the ſubject, who are hereby empowered to determine, whether the zemindar ſhall in future pay his revenue directly to the treaſury of the collector, or through the medium of the tehſeeldar, as heretofore.

Zemindars becoming huzoory, to be reſponſible for the apprehenſion of offenders and the ſupport of the police within the limits of their eſtates.

V. Whenever a zemindar may become huzoory, he ſhall be conſidered reſponſible directly to the magiſtrate for the apprehenſion of public offenders, and for the ſupport of the police generally within the limits of his eſtate. This proviſion of courſe ſuperſedes ſuch of the rules at preſent in force in the province of Benares, as ſubject the zemindars in the diſcharge of that duty to the control of the tehſeeldars. In other reſpects, the proviſions in queſtion reſpecting the duties to be performed by the zemindars in the maintenance of the peace within their reſpective eſtates, and the reſponſibility which attaches to them on that account, are to be conſidered to be in full force and effect.

Tehſeeldars not entitled to the deyek and bhurray in ſuch eſtates.

VI. As the tehſeeldars will, by the operation of the foregoing rules, be relieved from all duty and reſponſibility, with reſpect to the ſupport of the police within the limits of eſtates which may henceforward become huzoory, they will not of courſe be conſidered entitled to any part of the deyek and bhurray, at preſent receivable by them on account of ſuch eſtates.

A. D. 1807. REGULATION VIII.

A REGULATION *for modifying certain parts of Regulation* XIII, 1806, *reſpecting ſtampt paper.*— PASSED *by the Governor General in Council, on the* 16*th April* 1807; *correſponding with the* 5*th Byſack* 1214 *Bengal era; the* 24*th Chyte* 1214 *Fuſſily; the* 5*th Byſack* 1214 *Willaity; the* 9*th Chyte* 1864 *Sumbut; and the* 7*th Suffer* 1222 *Higeree.*

Preamble.

WHEREAS delay and inconvenience have been experienced in the iſſue of ſtampt paper, from the operation of the rule contained in Section II, Regulation XIII, 1806, which directs, that the ſuperintendant of ſtamps ſhall ſpecify, or cauſe to be ſpecified, the date of the authentication of the ſaid paper; And whereas it will not be practicable to furniſh the ſeveral collectors with a ſufficient ſupply of ſtampt paper, authenticated by the ſignature of the ſuperintendant, or his aſſiſtant, within the period ſpecified in Section X, of the abovementioned regulation, to enable them immediately to conform to the proviſion contained in that ſection, which requires, that after one year from the date of the ſaid regulation, all ſtampt paper ſhall be authenticated by the ſignature of the ſuperintendant, or his aſſiſtant; the

following

following rules have been enacted, to be in force, as ſoon as promulgated, in the whole of the provinces immediately ſubject to the preſidency of Fort William.

Part of Section II, Regulation XIII, 1806, reſcinded.

II. Such part of Section II, Regulation XIII, 1806, as directs, that the ſuperintendant of ſtamps ſhall ſpecify, or cauſe to be ſpecified, the date of the authentication of the ſtampt paper, which may be iſſued from his office, is hereby reſcinded.

Sections X, and XI, Regulation XIII, 1806, reſcinded.

III. Sections X, and XI, Regulation XIII, 1806, are likewiſe hereby reſcinded, and the following rule ſhall be in force in lieu of the proviſions contained in thoſe ſections.

Rules as to the ſtampt paper already iſſued, and proclamations to be made when the collectors ſhall have been ſupplied with authenticated ſtampt paper.

IV. The whole of the ſtampt paper already iſſued by the ſuperintendant of ſtamps (whether it ſhall have been authenticated with the ſignature of himſelf, or of his aſſiſtant, or otherwiſe,) ſhall be liable to be ſold and uſed, with the exception of ſuch quantity as the ſuperintendant, with the ſanction of the Board of Revenue, may direct to be returned to the preſidency, for the purpoſe of being authenticated in the manner preſcribed in Section II, of the abovementioned regulation. But whenever the collectors ſhall have been furniſhed with an adequate ſupply of ſtampt paper ſo authenticated, the ſuperintendant ſhall report the ſame through the Board of Revenue to government. On receipt of ſuch report, the Governor General in Council will cauſe a proclamation to be iſſued in the ſeveral zillahs, notifying that any deed, inſtrument, petition, pleading, or other document required by the regulations to be written on ſtampt paper, (with the exception of the rowannahs ſpecified in Section III, Regulation XIII, 1806,) which may be ſigned or executed after the date of the ſaid proclamation, ſhall not be conſidered to be executed in the manner preſcribed by the regulations, unleſs it be written on ſtampt paper, bearing the ſignature of the ſuperintendant of ſtamps, or of his aſſiſtant: And the courts of judica-

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ture and other public authorities, are hereby required to conform to the tenor of such proclamation.

All unauthenticated paper on hand at the time of the proclamation to be returned to the superintendant to be authenticated.

V. Any ſtampt paper which may remain in the charge of the collectors, or of their agents, not authenticated by the ſignature of the ſuperintendant, or of his aſſiſtant, at the time of the proclamation, ſhall be immediately tranſmitted to the ſuperintendant, for the purpoſe of being authenticated in the preſcribed form.

A. D. 1807. REGULATION IX.

A REGULATION *for explaining and amending the existing rules of criminal process, and for defining in certain cases the powers and duties of the police officers of the zillah and city magistrates, and of their assistants, of the courts of circuit and of the court of Nizamut Adawlut.*—PASSED *by the Governor General in Council, on the 12th May 1807, corresponding with the 31st Bysaak 1214 Bengal era, the 20th Bysaak 1214 Fussily, the 31st Bysaak 1214 Willaity; the 5th Bysaak 1864 Sumbut; and the 3d Rubbee-ul-Awul 1222 Hygeree.*

Preamble.

BY the rules in force for the guidance of the zillah and city magistrates and officers of the police, on the receipt of criminal charges, one uniform process is directed to be observed; a warrant is to be issued for the apprehension of the person complained against, and unless the crime charged be of a trivial nature, in which the police officer issuing the warrant, or the officer deputed to serve the magistrate's warrant, is allowed to accept bail for appearance before the magistrate, the accused must

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be brought in cuſtody to the magiſtrate's court. It has indeed been explained to the magiſtrates that they are not reſtricted from making a previous inquiry, when they may ſee cauſe to diſtruſt the truth of criminal charges preferred to them, and the immediate arreſt of the party accuſed may appear unneceſſary and objectionable. But it is expedient that an expreſs and regular proviſion be enacted for this purpoſe; as well as for iſſuing a ſummons inſtead of a warrant, in caſes that may not require the immediate apprehenſion of the party complained againſt, for diſpenſing with perſonal appearance to anſwer accuſations of trivial offences, when the agency of a conſtituted repreſentative may be ſufficient, and for regulating the demand of bail, in caſes wherein ſecurity for appearance may be required, alſo for diſpenſing with the perſonal attendance of parties preferring charges of a criminal nature when ſufficient reaſon can be aſſigned for their non-attendance, and for obtaining more full and ſatisfactory information of the circumſtances of heinous crimes committed, as well as promoting the diſcovery and conviction of perſons guilty of ſuch crimes by immediate and local inquiries, to be made through the officers of the police. With a view to the ſpeedy trial and puniſhment, or acquittal of perſons charged with offences not of a heinous nature, whom the magiſtrates are required by the exiſting regulations to commit or hold to bail for trial before the courts of circuit, if there appear to be grounds for ſubjecting them to a more ſevere puniſhment than what the magiſtrates are authorized to inflict, under Sections VIII and IX, Regulation IX, 1793, and Sections VIII and IX, Regulation VI, 1803; as well as for obviating the ſecond attendance of proſecutors and witneſſes in ſuch caſes, it is judged expedient to enlarge the judicial powers of the zillah and city magiſtrates. But it is at the ſame time deemed proper to limit the exerciſe of judicial powers by the aſſiſtants to the magiſtrates, under the proviſions made by Regulation XIII, 1797, and Section XVII, Regulation XII, 1803; and to render their judgments on criminal charges, in all caſes, open to the reviſion of the zillah and

city

city magiſtrates, as well as of the courts of circuit. Alſo to empower the latter to direct a further inveſtigation by the magiſtrate in any inſtances which may appear to require it, inſtead of reporting in all caſes, to the court of Nizamut Adawlut, as required by Section XVII, Regulation IX, 1793, (extended to Benares by Section IV, Regulation XVI, 1795,) and Section XVII, Regulation VI, 1803; and to declare the competency of the court of Nizamut Adawlut, whenever it may appear requiſite to call for the proceedings of the courts of circuit or magiſtrates, and paſs ſuch orders thereupon as that court may deem juſt and proper. It is further neceſſary, that an annual report be tranſmitted by the zillah and city magiſtrates to the court of Nizamut Adawlut, of all criminal caſes depending before themſelves or their aſſiſtants; Alſo an annual ſtatement of the number of robberies and other heinous crimes aſcertained to have been committed, the number of perſons known or ſuppoſed to have been concerned in the commiſſion of ſuch crimes; and the number apprehended or convicted, or committed for trial before the court of circuit. The following rules are accordingly enacted by the Governor General in Council, to be in force from the time of their promulgation, throughout the whole of the provinces ſubject to the immediate government of the Preſidency of Fort William.

II. So much of Section V, Regulation IX, 1793, Section IV, Regulation XVI, 1795, and Section V, Regulation VI, 1803, as provides, that on a complaint in writing being preferred upon oath to a magiſtrate for any crime or miſdemeanor, the magiſtrate ſhall iſſue a warrant for the apprehenſion of the perſon complained againſt, is hereby reſcinded, and the following rules are enacted in lieu thereof.

Part of Section V, Regulation IX, 1793, Section IV, Regulation XVI, 1795, and Section V, Regulation VI, 1803, reſcinded.

III. *Firſt.* Upon a complaint, being preferred in writing, to a zillah or city magiſtrate, againſt any perſon ſubject to his juriſdiction, for treaſon, murder, robbery, houſe breaking, theft, ſetting

How a magiſtrate is to proceed on a complaint being preferred to him for any of

the crimes herein specified, declared not bailable, or though the crime charged be of a heinous nature, but not expressly declared to be unbailable.

setting fire to a village, house, or other building, counterfeiting the coin, or any other crime declared not to be bailable, or though not so expressly declared, involving such dangerous breach of the peace, or degree of criminality, as from the facts deposed to before the magistrate, may appear to require the immediate apprehension of the accused, and to render the admission of bail unsafe and improper, the magistrate, on the truth of the charge being deposed to by the complainant, or in the manner required by the following section, shall issue a warrant under his official seal and signature, specifying the crime charged; and directing the officer entrusted with the execution of it, to apprehend the person accused.

To issue warrant under his official seal and signature, what the warrant is to contain.

Form of warrant, for apprehension.

Second. The warrant shall be in the following form, and shall be directed to the nazir of the criminal court:—

"*To* ——— *Nazir of the Fouzdarry Adawlut of the zillah (or city) of* ———.

"Whereas ——— inhabitant of ——— stands charged on the oath (or solemn declaration) of ——— inhabitant of ——— with the crime of ———, you are hereby directed to apprehend the said ———, and produce him before the magistrate of the said zillah (or city); in this fail not. Dated the ——— day of ——— A. C. corresponding with ———."

What to be specified in warrant, when bail, or security for keeping the peace, is to be taken.

Third. If the magistrate shall, in any bailable case, of the nature above described, judge it proper to authorize the officer, to whom the warrant is committed, to receive bail for appearance (with or without security for keeping the peace) it shall be so specified in the warrant, with the extent of the bail (and security) required, according to the following form:—

Form of warrant, in such cases.

"*To* ———, *Nazir of the Fouzdarry Adawlut of the zillah (or city) of* ———.

"Whereas ——— inhabitant of ——— stands charged on the oath (or solemn declaration) of ——— inhabitant of ——— with the crime of———, you are hereby directed to apprehend the said ———,

———, and to require bail in the sum of sicca rupees ——— for his appearance before the magistrate of the said zillah (or city), on or before the ———. (You are further required to take security from the said ——— for keeping the peace, in the sum of Sicca Rupees ———:)"

If the said ——— shall not give the bail (and security) above stated, you are directed to bring him before the magistrate of the said zillah (or city); herein fail not. Dated this ——— day of ——— A. C. corresponding with ———."

Form of bail bond for appearance before the magistrate.

Fourth. The bail to be taken, for appearance before the magistrate, shall be in the following form: —

"Whereas ——— inhabitant of ——— stands charged with ———, and is required to appear before the magistrate of the zillah (or city) of ———, on or before the ———, to answer to such charge; I hereby bind myself to produce the said ——— before the said magistrate on the date aforesaid; and to be answerable for his appearance until a final order be passed by the magistrate upon the said charge; in default whereof, I further bind myself to forfeit to government the sum of rupees ———; in this I will not fail. Dated this ——— day of ——— A. C. corresponding with ———."

Form of security bond for keeping the peace.

Fifth. When security may be required for keeping the peace, it shall be taken in the following form: —

"Whereas ——— inhabitant of ——— stands charged with ———, and has been called upon to give security to keep the peace whilst such charge is under investigation, I hereby declare myself surety for the said ———, that he shall not commit any act that can occasion a breach of the peace, whilst the said charge is under examination; in default whereof, I further hereby bind myself to forfeit to government the sum of rupees ———. Dated this ———."

Personal attendance of com-

IV. The attendance and deposition of the complainant shall not

plainant under certain circumstances herein described, not indispensable.

not be indispensable in preferring a criminal charge, when sufficient reason can be assigned for his non-attendance. If the complainant be unable to attend in person, or if he were not himself present at the commission of the act complained of; his written plaint, presented by an authorized agent, and corroborated by the deposition on oath, (or on a solemn declaration, if the rank or cast of the deponent render it improper to require an oath) of one or more persons present, or otherwise personally informed of the truth of the complaint, shall be sufficient grounds for receiving the same, and for issuing process against the party accused, unless the magistrate see reason for making the previous enquiry authorized by the following section, but no warrant for apprehension shall be issued at the instance of a complainant, unless the truth of the charge be deposed to, on oath, (or under a solemn declaration) either by the complainant himself, or by some other credible person. This shall not however be construed to restrict a magistrate from issuing process to apprehend a person suspected of having committed a heinous crime, or for whose apprehension sufficient cause may appear, upon the report of a police officer, or upon any other credible information.

Exception.

No warrant to be issued unless the charge be sworn to, or deposed to under a solemn declaration, either by the complainant or some other credible person.

Magistrate not restricted from issuing process for apprehension upon the report of an officer of police, or other credible information.

How the magistrate is to proceed, if he see cause to distrust the truth of a complaint.

V. If the magistrate see cause to distrust the truth of a complaint preferred to him, whether from the nature of the charge as manifestly improbable, exaggerated, or vexatious; or from the circumstances deposed to before him, considered with the known situation and character of the person accused; and if the immediate arrest of the party complained against appear unnecessary and objectionable; the magistrate is authorized to postpone issuing his warrant for apprehension, and to cause a previous inquiry to be made either by means of the local police officers, or in such other mode as he shall judge most proper for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of such inquiry induce the magistrate to believe the charge well founded, and the offence committed be of the nature described in Section III, he shall issue his warrant for apprehending

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the accuſed, as therein directed. But if the accuſation appear groundleſs, or though well founded, if the offence be of a bailable nature, he is empowered, in the former caſe, to diſmiſs the complaint, or in the latter caſe, to direct bail to be taken from the accuſed, for appearance, in perſon, or by vakeel, to anſwer the charge, as provided by the following ſection.

How a magiſtrate is to proceed againſt a perſon charged with a bailable offence.

V. *Firſt.* Upon a complaint in writing being preferred to a zillah or city magiſtrate, againſt a perſon ſubject to his juriſdiction for any bailable crime, or miſdemeanor, which may not appear to require the immediate apprehenſion of the accuſed, the magiſtrate, upon the party complaining, making oath, (or a ſolemn declaration, if the party be of a rank or caſt which would render it improper to compel him to take an oath) to the truth of the complaint, or without ſuch oath (or declaration), if ſatisfactory reaſon be aſſigned by the complainant for not attending to make the ſame, and the truth of the charge be depoſed to by ſome other credible perſon or perſons, ſhall iſſue a ſummons, under his official ſeal and ſignature, to be ſerved through the fouzdarry nazir, by a ſingle chapraſſy, or peon, or in the manner preſcribed for the ſervice of civil proceſs by Clauſe Second, Section II, Regulation II, 1806, if practicable and deemed expedient; or in the mode directed by the rules in force for ſerving warrants on charges of bailable offences againſt perſons employed in the ſalt department, or in the proviſion of the Company's inveſtment, if the party complained againſt be ſo employed.

To iſſue a ſummons under his ſeal and ſignature to be ſerved by a ſingle chapraſſy or peon, or in certain caſes in the modes herein referred to.

Second. The ſummons in all ſuch inſtances ſhall ſpecify the offence with which the accuſed is charged, and ſhall according to the circumſtances of the caſe contain a requiſition to attend either in perſon or by vakeel to anſwer to the charge, on or before a certain day to be ſtated in the ſummons according to the following form:

What the ſummons is to contain.

"*To* ——, ——*Inhabitant of*——.

Form of ſummons.

"Whereas a complaint has been preferred on oath (or ſolemn declaration) by —— inhabitant of ——, charging you with the

the crime of ——, you are hereby required to appear (in perſon or by vakeel) before the magiſtrate of the zillah or city of ——, on or before the —— day of ——, to anſwer to the ſaid charge. Herein fail not. Dated the —— day of —— A. C. correſponding with ——."

Form to be ſubſtituted, when bail is required.

Third. If it be deemed neceſſary to require bail, the extent of the bail is to be ſpecified in the ſummons, as follows: —

"*To* —— *inhabitant of* ——.

"Whereas a complaint has been preferred on oath (or ſolemn declaration) by —— inhabitant of ——, charging you with ——, you are hereby required to appear (in perſon or by vakeel) before the magiſtrate of the zillah (or city) of ——, on or before the ——, to anſwer to the ſaid charge. You are further required to give bail in rupees —— for your appearance (in perſon or by vakeel) on the day aforeſaid. Herein fail not. Dated the —— day of —— A. C. correſponding with ——."

Bail bond to correſpond with that preſcribed in Clauſe Fourth of Section III.

Fourth. The bail to be taken for appearance before the magiſtrate in purſuance of the above clauſe, ſhall correſpond with the form preſcribed by Clauſe Fourth of Section III, of this regulation.

How a magiſtrate is to proceed if the accuſed on whom a ſummons may have been ſerved, ſhall not attend in perſon or by vakeel, and give bail, if required.

VII. If an accuſed perſon, on whom a ſummons ſhall have been ſerved, as provided in the preceding ſection, and in Section XIII of this regulation, ſhall not attend in perſon, or by vakeel, and give bail (if required) according to the exigence of the ſummons within the period limited by it, the magiſtrate ſhall iſſue a warrant under his official ſeal and ſignature, for the apprehenſion of the accuſed, and if he abſcond, ſhall proceed againſt him, in the manner directed by Section IV, Regulation XI, 1796, and Section IV, Regulation III, 1804.

In what caſes bail for perſonal appearance ſhall not be required.

VIII. In caſes of a trivial nature, ſuch as abuſive language, ſlight treſpaſſes, and inconſiderable aſſaults or affrays, in which there may

may be no reaſon to apprehend, that the party complained againſt will abſcond, bail for appearance ſhall not be required in the firſt inſtance; but may at any time during the inveſtigation of the charge, be called for by the magiſtrate, if any circumſtances ſhould occur to render it neceſſary. The officer entruſted with the ſervice of the ſummons in ſuch caſes, as well as in all other caſes, wherein bail may not be required, ſhall demand only an acknowledgement of the receipt of it; and in the abſence of the party, the ſummons may be ſerved on the principal perſon in his houſe or family, if ſuch perſon be willing to receive the ſame, and to return an acknowledgement for the party. The officer ſerving the ſummons, in ſuch inſtances, as well as in all caſes, wherein the magiſtrate may deem it proper to admit the private adjuſtment of the parties, ſhall be further inſtructed on the tender of a razeenamah, expreſſing the plaintiff's deſire to withdraw his complaint, and the defendant's acquieſcence in the complaints being withdrawn, to receive ſuch razeenamah, as a ſufficient return to the proceſs committed to him. But excepting the trivial caſes noticed in this ſection, no razeenamah ſhall be received without the ſpecial ſanction of the magiſtrate, nor ſhall any private compromiſe be admitted by the magiſtrate, in crimes of a heinous nature, ſuch as, on conviction may require exemplary puniſhment for the ends of public juſtice.

quired in the firſt inſtance.

But may be required at any time during the inveſtigation.

How an officer entruſted with the ſerving of a ſummons is to proceed.

In what caſes the officer ſerving the ſummons ſhall be inſtructed to receive a razeenamah, if acquieſced in by the defendant as a ſufficient return to the proceſs entruſted to him

Provided that except in the trivial caſes noticed, no razeenamahs ſhall be received without the ſanction of the magiſtrate; nor ſhall a magiſtrate admit any compromiſe in crimes of a heinous nature.

IX. *Firſt.* In explanation of Section VII, Regulation IX, 1793, and Section VII, Regulation VI, 1803, it is hereby declared, that no ſpecies of homicide, except murder, is included in the proviſions, which forbid the admiſſion to bail of perſons accuſed of murder. If the charge be for manſlaughter, or any ſpecies of illegal homicide, not involving the crime of murder, the magiſtrate is authorized to proceed in the firſt inſtance, either by warrant for taking into cuſtody, or by ſummons requiring bail, as he may judge proper, on conſideration of the circumſtances of the caſe, and of the condition and character of the party accuſed. After the enquiry directed by Section V, Regulation IX, 1793, and

Declaration that under the rules againſt admiſſion to bail contained in Regulations IX, 1793, and VI, 1803, no ſpecies of homicide except murder is included.

How a magiſtrate is to proceed if the charge be for manſlaughter or illegal homicide not amounting to murder.

How a magiſtrate is to proceed if the facts and circumſtances do not eſtabliſh the crime of murder.

and Section V, Regulation VI, 1803, if the magiſtrate ſhall be of opinion, that the facts and circumſtances in evidence, do not eſtabliſh the crime of murder, but that there is ſufficient ground for bringing the perſon complained againſt to trial, before the court of circuit, on a charge of manſlaughter, or other culpable homicide, the party ſhall be held to bail, for appearance before the court of circuit; but the magiſtrate is authorized to releaſe the accuſed, if the homicide in which he may appear to have been concerned, ſhall, from the whole of the evidence, be clearly ſhewn to have been accidental or juſtifiable, under the Mahomedan law and the regulations.

If the homicide appear clearly to have been accidental or juſtifiable under the Mahomedan law and regulations, the magiſtrate is authorized to releaſe the accuſed.

Principle of the foregoing ſection applicable to perſons privy to or incidentally acceſſary to heinous crimes.

Second. The principle of the preceding clauſe, is alſo declared applicable to perſons appearing, from the magiſtrate's enquiry, to have been only privy, or incidentally acceſſary to crimes of a heinous nature, without being concerned therein, either as principals or as aiding and abating, procuring or inſtigating the perpetration thereof, and in all caſes, whether of trial before the magiſtrate or before the court of circuit, if the admiſſion of bail have not been prohibited by the regulations, and the bail tendered ſhall appear ſufficient, for ſecuring the appearance of the party accuſed, he ſhall be admitted to bail, until ſentence be paſſed upon the charge againſt him; moreover, in ſpecial inſtances, wherein the court of circuit, on a report from the magiſtrate, or on other ſatisfactory information before them, may deem it juſt and proper to admit to bail, a perſon charged with an offence not bailable under the general proviſions contained in the regulations, that court is declared competent to inſtruct the magiſtrate to accept ſufficient bail, inſtead of keeping the accuſed in confinement, whilſt the charge againſt him is under trial. The court of circuit may likewiſe, in all bailable caſes wherein the bail required by the magiſtrate, ſhall appear exceſſive, direct the magiſtrate to receive ſuch bail as may be deemed ſufficient to anſwer the purpoſe intended by it.

Bail, if ſufficient to ſecure attendance, may be admitted in all caſes not prohibited by regulations.

Court of circuit in certain caſes may direct the magiſtrate to admit to bail perſons accuſed of offences not bailable under the regulations,

and may direct the magiſtrates, in caſes wherein exceſſive bail may have been required by them to receive ſuch bail as may by court of circuit be deemed ſufficient

X. The

X. The bail to be taken under the preceding ſection, as well as in all caſes of perſons being held to bail for trial before the courts of circuit, ſhall be in the following form:—

Form of bail bond, for perſons to be tried before the courts of circuit.

Whereas ——— inhabitant of ———, ſtands charged with ———, and has been admitted to bail by the magiſtrate of ———, on condition of his appearance, to ſtand his trial on the ſaid charge, before the court of circuit for the diviſion of ———, I hereby bind myſelf to produce the ſaid ———before the ſaid court of circuit at their next ſeſſion for the zillah (or city) of ———, on the date whereupon his appearance may be required, either by a general proclamation, or by a ſpecial notice, from the magiſtrate, and to be anſwerable for his appearance before the court of circuit, until a final ſentence be paſſed upon the ſaid charge; in default whereof, I further bind myſelf to forfeit to government, the ſum of rupees ———; in this I will not fail. Dated ———.

XI. So much of Section VII, Regulation XXII, 1793, Section VII, Regulation XVII, 1795, and Section VII, Regulation XXXV, 1803, as requires police daroghas and tehſeeldars, veſted with the charge of the police, on receiving a written accuſation of any crime or miſdemeanor, to apprehend the perſon accuſed; and if charged with a heinous crime, to ſend him, in ſafe cuſtody, to the magiſtrate, within twenty-four hours; or if charged with an offence upon which the magiſtrates are authorized to paſs ſentence, to take ſecurity for his appearance on a ſpecific day, before the magiſtrate, is hereby reſcinded, and the following rules are enacted in lieu thereof.

Parts of Section VII, Regulation XXII, 1793, Section VII, Regulation XVII, 1795, and Section VII, Regulation XXXV, 1803, reſcinded.

XII. *Firſt.* Upon a complaint being preferred in writing, to a police dárogha, or to a tehſeeldar, or landholder, veſted with the charge of the police, or to any other police officer authorized to receive the ſame, againſt any perſon ſubject to his juriſdiction, for any crime of a heinous nature, ſuch as murder, robbery, houſe breaking, theft, ſetting fire to a village, houſe or other building, or any crime involving a dangerous breach of the

How a police dárogha, tehſeeldar or landholder, invested with the charge of the police, or any other police officer, duly empowered, is to proceed on a complaint in writing for any of the heinous offences herein ſet forth.

the peace, ſuch as a violent affray, or aſſembling perſons to commit an affray, or any ſimilar offence, requiring the immediate apprehenſion of the offender; and on the complainant or any other credible perſon or perſons, acquainted with the caſe, depoſing on oath (or under a ſolemn declaration) to the truth of the complaint, the darogha, or other police officer ſhall, by a warrant under his official ſeal and ſignature, cauſe the perſon accuſed to be apprehended; unleſs any ſpecial reaſon appear why the iſſue of proceſs for apprehending the party accuſed ſhould be ſtayed, until the charge be reported for the orders of the magiſtrate, in which caſe ſuch report ſhall be made without delay.

Form of warrant to be iſſued by police officers.

Second. The warrant for apprehenſion to be iſſued by a police darogha, or other police officer, ſhall be in the following form; and ſhall be directed to the jemadar, or other officer by whom it is to be executed:—

"*To* ———

"Whereas ——— inhabitant of ———, ſtands charged on the oath (or ſolemn declaration) of ——— inhabitant of ——— with the crime of ———; you are hereby directed to apprehend the ſaid ———, and produce him before me. In this fail not. Dated———."

In what caſes perſons apprehended to be ſent to the magiſtrate, and within what time.

Third. If the offence charged be not bailable, or though bailable, if ſufficient bail be not tendered by the party accuſed, on his apprehenſion, the darogha, or other police officer, ſhall ſend him in ſafe cuſtody to the magiſtrate, within twenty-four hours after apprehending him; or as ſoon afterwards as circumſtances may admit, under the proviſions contained in Section XVII, of this regulation.

In what caſes bail to be taken and party releaſed.

Fourth. If the offence charged be of a bailable nature, and ſufficient bail be tendered for appearance before the magiſtrate, the darogha, or other police officer, ſhall accept ſuch bail; and ſhall immediately releaſe the party apprehended.

Fifth.

Fifth. Provided, that if it appear neceſſary to take ſecuſity from the party apprehended, for keeping the peace, in addition to bail for his appearance, ſuch ſecurity may be required; but it ſhall not be demanded without manifeſt and urgent neceſſity.

Proviſion for taking ſecurity to keep the peace, if neceſſary.

Sixth. The bail to be taken for appearance before the magiſtrate, in purſuance of Clauſe Fourth of this ſection, ſhall be in the form preſcribed by Clauſe Fourth of Section III.

Bail to be in form preſcribed by Clauſe Fourth of Section III.

Seventh. When ſecurity may be required for keeping the peace, it ſhall be taken in the form preſcribed by Clauſe Fifth, of Section III, of this regulation.

Security for keeping the peace, to be ſo as preſcribed in that Section.

XIII. *Firſt.* Upon a complaint in writing being preferred to a police darogha, or to a tehſeeldar or landholder, veſted with the charge of the police, or to any other police officer, authorized to receive the ſame, againſt a perſon ſubject to his juriſdiction, for any bailable crime, or miſdemeanor which may not require the immediate apprehenſion of the accuſed, the police officer receiving ſuch complaint, upon the party complaining making oath, (or a ſolemn declaration, as the caſe may be) to the truth of the complaint, or without ſuch oath (or declaration) if ſatisfactory reaſon be aſſigned by the complainant for not attending to make the ſame, and the truth of the charge to be depoſed to by ſome other credible perſon or perſons, ſhall iſſue a ſummons, under his official ſeal and ſignature, to be ſerved through a ſingle burkundaz, or peon; or through any known and accredited agent of the party complained againſt, who may be on the ſpot, and willing to receive the ſame in behalf of his principal; or in the mode directed by the rules in force for ſerving warrants on charges of bailable offences, againſt perſons employed in the ſalt department, or in the proviſion of the Company's inveſtment, if the perſon complained againſt be ſo employed.

How a police darogha, tehſeeldar, or landholder intrusted with the charge of the police, or other police officer duly empowered, is to proceed upon a complaint in writing for any bailable offence, upon the complainant or other credible perſon making oath to the truth of the charge or depoſing to it if in rank of caſt entitle him to exemption from taking an oath, to iſſue a ſummons under his official ſeal and ſignature, and how it is to be ſerved.

Second. The ſummons ſhall ſpecify the offence charged, and if

What the ſummons is to contain.

it

it be of a trivial nature, ſuch as abuſive language, a ſlight treſpaſs, or an inconſiderable aſſault, for which bail is not demandable, in the firſt inſtance, under Section VIII of this regulation, ſhall merely require the accuſed to attend in perſon or by vakeel, and anſwer the charge, before the zillah or city magiſtrate, on a ſpecific date to be fixed, ſo as to afford the accuſed, a reaſonable and ſufficient time for that purpoſe.

What the ſummons is to contain if the charge be of a more ſerious nature.

Third. If the charge be of a more ſerious nature, and ſuch as may appear to require bail, to ſecure the appearance of the party accuſed, either in perſon or by vakeel, before the magiſtrate, the ſummons ſhall alſo ſpecify the bail to be given; which, in no caſe, is to exceed what may be ſufficient to prevent the party's abſconding, before the caſe ſhall come before the magiſtrate, who will then iſſue ſuch further proceſs, or orders, as he may judge proper.

Forms of ſummonſes to be obſerved under this ſection.

Fourth. The forms of ſummons preſcribed in Clauſes Second and Third, of Section VI, ſhall be obſerved for the ſummons to be iſſued by the police officers, under this ſection.

What form of bail bond, to be taken.

Fifth. The bail to be taken for appearance before the magiſtrate, ſhall alſo correſpond with the form preſcribed in Clauſe Fourth, of Section III, of this regulation.

The rules in Section VIII, declared to be applicable to the ſervice of ſummonſes iſſued by the officers of police, and to the receipt of acknowledgements and razeenamahs by them; or by the perſon charged with the proceſs.

XIV. *Firſt.* The proviſions contained in Section VIII, of this regulation, with reſpect to the ſervice of ſummonſes iſſued by the magiſtrates, and the receipt of acknowledgements, or razeenamahs, in the caſes therein ſpecified; ſhall be conſidered equally applicable to the ſervice of ſummonſes, iſſued by any officer of the police, and to the receipt of acknowledgements or razeenamahs, by the police officer iſſuing the ſummons; or by the perſon deputed to ſerve it. But it is hereby provided, that no ſummons or other proceſs ſhall be iſſued by any police officer, without ſpecial inſtructions from the magiſtrate, on any charge of

Provided, that no proceſs ſhall be iſſued by an officer of police on charges of adultry fornication, or any other offence not involving a

adultery,

adultery, fornication, calumny, or other offence, not involving a breach of the peace. In such cases, the police darogha, or other police officer receiving the complaint, shall merely take the oath (or solemn declaration) of the complainant thereto, and shall transmit the same to the magistrate for his orders.

breach of the peace.

How the officers of police are to proceed in such cases.

Second. Whenever a summons, or other criminal process, may be served by a burkundaz, chaprassy, or other public officer, receiving wages from government (and such officers are to be employed in serving all criminal processes, especially in cases of a heinous nature, as far as circumstances may admit), no diet money, or other allowance or gratuity, shall be demanded or received, from the complainant or accused, whether the case be adjusted by razeenamah or otherwise; and the demand or receipt of such, by any public officer, directly or indirectly, in violation of this rule, shall be punishable as a criminal offence, on conviction before the magistrate, or court of circuit. The offender shall also be compellable, either by a criminal prosecution, or by a civil action, to refund the amount received; besides being liable to immediate dismission from office, under the provisions contained in the existing regulations.

Burkundazes, chaprassies or other public officers in the pay of government charged with the serving of process, prohibited from demanding or receiving diet money from the parties.

Penalties for a breach of this prohibition.

Third. When peons, or other persons not receiving wages from government, may be unavoidably employed in serving any criminal process, they shall be authorized by the magistrate to demand and receive tullubanah, at the rate of two annas per diem, (or three annas in districts where such higher rate may be usual and necessary) during the time they may be so employed; and shall not demand nor receive more, upon any pretence whatever, under the penalties above stated, with respect to public officers receiving wages from government. The tullubanah, in such cases, shall be paid, in the first instance, by the party or parties, at whose instance the process is issued (unless the charge be of a heinous nature, and the magistrate deem it proper, that the necessary expence of process be paid on the part of government,)

Peons or other persons not in the pay of government, to receive two annas per diem whilst employed in serving process, and no more upon any pretence.

Exception,

and are declared liable to the same penalties for a breach of this rule as abovementioned.

Tullubanah to be paid by the person at whose instance the process is issued, subject to reimbursement by the accused, if the charge be proved.

Exception.

ment), subject to reimbursement from the accused, if the charge be established, under the discretion vested in the criminal courts by Section VIII, Regulation XIV, 1797, and Clause Third, of Section XXXIX, Regulation VII, 1803.

Recognizances to be hereafter taken by police officers from prosecutors and witnesses, instead of security.

XV. *First.* Instead of taking security from prosecutors and witnesses, to appear before the magistrate, as required by Section IX, Regulation XXII, 1793, Section IX, Regulation XVII, 1795, and Section IX, Regulation XXXV, 1803, the police officers shall hereafter take recognizances (mochulkas) from prosecutors and witnesses, binding them to appear before the magistrate on a specific day, under penalty of paying such fine to government, as the magistrate may judge it proper to impose on their non-attendance; besides being subject to the charge of any process, which may be consequently issued by the magistrate to compel their appearance.

Form of recognizances for prosecutors.

Second. The recognizances to be taken from prosecutors, should be according to the following form:

"Whereas I, inhabitant of ———, have complained to the police darogha of ——— (or other police officer), against —— —inhabitant of ———, charging him with ———, I hereby engage to appear before the magistrate of the zillah (or city) of ———, on or before the —— —, to prosecute the said complaint; in default whereof, I further bind myself, to pay such fine to government, as the magistrate may judge proper to impose on me, as well as any expence that may be incurred, in consequence of my non-attendance, for compelling my appearance. In this I will not fail. Dated ———."

Form of recognizances for witnesses.

Third. Recognizances to be entered into by witnesses, for their appearance before the magistrate, shall be in the following form;

"Whereas —— —inhabitant of ——— has complained against —— —inhabitant of ———, charging him with ———, and I have

have been named as a witneſs for the complainant (or the defendant), I hereby engage to appear before the magiſtrate of the zillah (or city) of ——, on or before the ——, for the purpoſe of giving evidence; in default whereof, I hereby further bind myſelf to pay ſuch fine to government, as the magiſtrate may judge proper to impoſe on me, as well as any expence that may be incurred, in conſequence of my non-attendance, for compelling my appearance. In this I will not fail. Dated ——."

XVI. So much of Section XI, Regulation XXII, 1793, Section XI, Regulation XVII, 1795, and Section XI, Regulation XXXV, 1803, as prohibits the police daroghas and tehſeeldars, veſted with the charge of the police, from making any enquiry in caſes of complaints preferred to them, is hereby declared not applicable to the caſes, provided for by the two following ſections of this regulation; but ſhall be ſtill conſidered in force, with reſpect to all complaints, which the police officers may not be eſpecially authorized to enquire into, either by the regulations, or by the orders of the zillah and city magiſtrates.

The prohibition contained in the regulations herein quoted againſt police daroghas and tehſeeldars making inquiry into complaints preferred to them, declared not applicable to the caſes in the two following ſections.

But to be in force with reſpect to all complaints in which the police officers are not authorized to make inquiry.

XVII. When any perſon is apprehended, and brought before a police darogha, or before a tehſeeldar or landholder, veſted with the charge of the police, or before any other police officer, authorized to iſſue a warrant of apprehenſion, upon a charge of murder, robbery, or other heinous crime, the examination of the priſoner, without oath, ſhall be taken, in the preſence of three or more creditable witneſſes, (who are to atteſt the examination) and in the event of his making a free and voluntary confeſſion, he is to be queſtioned fully on the whole of the circumſtances of the caſe; the perſons concerned in the commiſſion of the crime; and if any property have been ſtolen or plundered, the perſons in poſſeſſion of ſuch property; or the place where it has been depoſited. If any witneſſes to the fact, or perſons acquainted with the circumſtances of the caſe be preſent, or on the ſpot, they ſhall alſo be queſtioned without oath, and the ſubſtance

On the apprehenſion of any perſon upon a charge of murder, robbery or other heinous crime by the officers of police herein ſpecified, his examination to be taken in the preſence of three or more credible witneſſes who are to atteſt it.

Any witneſſes preſent are alſo to be examined without oath, and the ſubſtance of their examinations to be reduced to writing, authen-

of

ticated by the deponents, and tranſmitted to the magiſtrate under the ſignature of the police officer.

of any material information, obtained from them, ſhall be ſtated in a ſoorut-hal, or report, to be authenticated by the atteſtation of the perſons examined, and tranſmitted to the magiſtrate, under the ſignature of the police officer, by whom the enquiry may have been made. But no compulſion ſhall be uſed, either againſt parties or witneſſes, for the purpoſe of obtaining the information ſpecified in this ſection, or any other information whatever; neither ſhall a priſoner be perſuaded, or threatened, nor any promiſe or hope of pardon be held out to him for the purpoſe of inducing him to confeſs; and any ſpecies of mal-treatment, to a priſoner or witneſs, by a police officer, or by any other perſon, will ſubject the offender to exemplary puniſhment, on conviction before the magiſtrate, or court of circuit. The police daroghs and other officers of the police, are hereby further prohibited, under penalty of immediate diſmiſſion from office, to detain any priſoners, without ſending them to the magiſtrate, beyond ſuch time as may be indiſpenſably requiſite for the enquiry authorized and directed in this ſection; and if from any cauſe, the enquiry cannot be completed within forty-eight hours, after the arrival of a priſoner at the cutcherry or ſtation, of the police officer; the priſoner ſhall, notwithſtanding, be ſent to the magiſtrate with a report of the caſe, for ſuch additional enquiry, or inſtructions, as the magiſtrate may judge neceſſary.

But no compulſion ſhall be uſed towards parties or witneſſes, nor any perſuaſion, threat, nor promiſe or hope of pardon be uſed or held out to a priſoner to induce him to confeſs.

Any maltreatment of a priſoner or witneſs will ſubject the offender to exemplary puniſhment.

Police officers prohibited from detaining priſoners longer than abſolutely neceſſary for the purpoſe herein mentioned, under pain of immediate diſmiſſion from office.

Priſoner to be ſent to the magiſtrate within forty-eight hours, although the inquiry directed be not completed, with a report of the caſe for inſtructions.

Recapitulation of Section IX, Regulation IV, 1797, and Section XXV, Regulation XXXV, 1803, reſpecting the holding of inqueſts.

XVIII. By Section IX, Regulation IV, 1797, and Section XXV, Regulation XXXV, 1803, police daroghas, tehſeeldars and landholders, veſted with the charge of the police, and the principal local officers of police, acting under the two latter, are required to take inqueſts, as therein directed, in all caſes of murder, or other unnatural death. They ſhall alſo make it an invariable rule, whenever information is received by them of a recent robbery, or other violent crime, within their reſpective juriſdictions, to repair in perſon to the ſpot, or to ſend a fit perſon from among the officers acting under them, to aſcertain the facts and circumſtances of the caſe; and procure all the information,

Police officers invariably to proceed in perſon or to ſend a ſubordinate officer to enquire into the circumſtances of every recent robbery or other violent crime, and to procure information.

which

which it may be practicable to obtain, for the diſcovery and apprehenſion of the offenders. The police officers making ſuch local enquiry, ſhall be careful to aſcertain, and record the day and hour, when the fact was committed; the ſituation of the place; the names and deſcriptions of any perſons, who may have been recognized, as the perpetrators of the crime; by whom ſuch perſons have been ſeen and known; and the names and deſcriptions of any perſons ſuſpected of being concerned in the offence committed, with the grounds of ſuſpicion againſt them, alſo a full recital of the manner, in which the crime has been effected; and in caſes of robbery, the articles of property ſtolen or plundered. This inquiry ſhall be made, and committed to writing upon the ſpot; in the form of a ſoorut-hal or report, and in the preſence of three or more creditable people of the neighbourhood, by whom it ſhall be atteſted, and it ſhall be forwarded without delay, for the information of the magiſtrate. It ſhall further be the duty of the police officers, on ſuch occaſions, to apprize the perſons preſent, that their ſuppreſſion or denial of any knowledge, which they may poſſeſs, relative to the perpetrators of the crime, will tend to invalidate their teſtimony, in the event of their depoſing to ſuch knowledge at a future period: at the ſame time, giving encouragement to all perſons, who may have been preſent at the commiſſion of a crime, to make a full communication of every fact and circumſtance, within their knowledge, reſpecting the offenders; and taking their information or evidence, with ſuch precautions of ſecrecy, as may appear requiſite, when perſons ſuppoſed to have recognized any of the offenders, may appear to be deterred, from publicly naming them, under fear of the conſequences, if the parties named ſhould not be apprehended.

Directions to police officers making ſuch inquiries.

Inquiry to be committed to writing on the ſpot in the preſence of three or more creditable people, and to be atteſted by them.

Further directions to police officers in making theſe inquiries.

XIX. In addition to the powers, veſted in the zillah and city magiſtrates, by Sections VIII and IX, Regulation IX, 1793, (extended to Benares by Section IV, Regulation XVI, 1795,) and by Sections VIII and IX, Regulation VI, 1803, they are hereby

Recital of the powers veſted in the magiſtrates by the regulations herein quoted.

Magiſtrates further empowered in the caſes herein ſpecified to paſs ſentence of imprisonment for ſix months with corporal puniſhment not exceeding thirty rattans in caſes of theft, or in other caſes with a fine of two hundred rupees commutable, if not paid, to a further imprisonment not exceeding ſix months, ſo that the entire period of imprisonment by ſentence of a magiſtrate do not exceed one year.

hereby further empowered, in all caſes of conviction before them, of any criminal offence puniſhable under the Mahomedan law and the regulations, for which the penalties authorized by the ſections above quoted, may appear inſufficient, or to which the rules referred to, may not be expreſſly applicable, and for which a more ſevere puniſhment, than ſix months impriſonment, with thirty rattans, or a fine of two hundred rupees, may not have been ſpecifically preſcribed, (in which caſe the priſoner, if there appear grounds for it, muſt be brought to trial before the court of circuit;) to paſs ſentence of impriſonment, not exceeding ſix months, with corporal puniſhment, not exceeding thirty rattans, in caſes of theft, or in other caſes, with a fine not exceeding two hundred rupees, commutable, if not paid, to a further period of impriſonment, not exceeding ſix months, in purſuance of Section III, Regulation XIV, 1797, and Section XXXI, Regulation VI, 1803, ſo that the entire period of impriſonment, under the ſentence of a magiſtrate, ſhall, in no inſtance, exceed one year.

Powers veſted in the magiſtrates by the foregoing ſection not to be exerciſed by their aſſiſtants.

Aſſiſtants to the magiſtrates not to exceed the powers veſted in them by the regulations heretofore in force.

Except that in the caſes provided for by Section VIII, Regulation IX, 1793, if it appear proper both the ſtated fine and impriſonment may be adjudged, and the fine if not paid may be commuted to impriſonment for fifteen days longer.

XX. The powers veſted in the zillah and city magiſtrates, by the preceding ſection, ſhall not be exerciſed by the aſſiſtants to the magiſtrates, in the execution of any duties committed to them, under the proviſions of Regulation XIII, 1797, and Section XVII, Regulation XII, 1803. In the performance of ſuch duties, the aſſiſtants to the magiſtrates ſhall not exceed the powers veſted in them, by the regulations heretofore in force, except that, in the caſes provided for by Section VIII, Regulation IX, 1793, and Section VIII, Regulation VI, 1803, wherein it may appear proper to impoſe the fine thereby authorized, in addition to fifteen days impriſonment, both the ſtated fine and impriſonment, may be adjudged, with an eventual commutation of the fine, if not paid, to further confinement, for a period of fifteen days, making the entire term of impriſonment, if the fine be not paid, one month of thirty days. In like manner, in charges of petty thefts, provided for by Section IX, Regulation

tion IX, 1793, (extended to Benares by Section IV, Regulation XVI, 1795), and Section IX, Regulation VI, 1803, if it appear juſt and requiſite, on conſideration of the circumſtances of the caſe, to ſentence the offender to one month's impriſonment, in addition to the ſtated corporal puniſhment of thirty rattans, or of any part thereof, both corporal puniſhment and impriſonment, may be adjudged accordingly. In any caſe referred to the aſſiſtant of a zillah or city magiſtrate, under Regulation XIII, 1797, or Section XVII, Regulation XII, 1803, wherein the offence proved againſt the priſoner, may appear to require a more ſevere puniſhment, than he is hereby authorized to adjudge, he ſhall not paſs any ſentence, but ſhall ſubmit his proceedings to the magiſtrate, who, after holding any further proceedings, he may deem neceſſary, will, if ſatisfied of the guilt of the priſoner, either paſs ſentence on him, under Section XIX, of this regulation, and the general regulations in force, or will commit, or hold him to bail for trial, before the court of circuit, according to the nature aad circumſtances of the caſe.

So in charges of petty theft provided for by the regulations herein quoted, if it appear juſt, both the corporal puniſhment and impriſonment may be adjudged.

Aſſiſtants directed not to paſs ſentence in caſes referred to them under the regulations herein quoted, and for which a more ſevere puniſhment than they are authorized to inflict, appears neceſſary, but to ſubmit the proceedings to the magiſtrates.

Who after holding any further proceedings will either paſs ſentence or commit the priſoner or hold him to bail for trial before the court of circuit.

XXI. Whenever a complaint or charge of a criminal nature, may be referred by a zillah or city magiſtrate, to his aſſiſtant, for examination, under the proviſions of Regulation XIII, 1797, or Section XVII, Regulation XII, 1803, the order of reference ſhall be recorded, on the magiſtrate's proceedings, with inſtructions, whether to ſubmit the proceedings, held upon the examination, for the magiſtrate's deciſion, or whether the determination upon the charge is to be paſſed, by the aſſiſtant, if it be ſuch as he is authorized to determine, under the regulations. As far as the general duties of the magiſtrates may admit, they are directed to examine the proceedings, held by their aſſiſtants in ſuch caſes, and to paſs judgment thereupon themſelves, and in all inſtances, wherein the ſentence may be paſſed by an aſſiſtant, if the magiſtrate, on repreſentation made to him, without unneceſſary delay, ſhall ſee cauſe to reviſe the proceedings, held by the aſſiſtant, and ſhall diſapprove the judgment, given by the latter,

Order of reference of caſes to aſſiſtants under the regulations herein quoted, to be recorded on the proceedings of the magiſtrates, with inſtructions whether to ſubmit their proceedings to the magiſtrates or to paſs ſentence.

Magiſtrates to examine the proceedings of their aſſiſtants, as far as their other avocations will admit, and to paſs judgment.

And in all inſtances wherein the magiſtrate may ſee cauſe to reviſe the ſentence paſſed by an aſſiſtant, he is authorized and required to do ſo and to annul

he

the same if he disapprove it, and to pass such further order as may be proper and conformable to the regulations.

he is authorized and required to annul the same, and to pass such further sentence, or order, as may appear just and conformable to the regulations.

Calendars laid before the courts of circuit under Section XVII, Regulation IX, 1793, and Section XVII, Regulation VI, 1803, to include all persons discharged or punished by the assistants.

XXII. The calendars of persons apprehended and discharged, or punished, which the magistrates are required to lay before the courts of circuit, by Section XVII, Regulation IX, 1793, (extended to Benares by Section IV, Regulation XVI, 1795,) and Section XVII, Regulation VI, 1803, shall include all persons discharged, or punished, under sentences passed by their assistants, as well as under judgments given by themselves, and in modification of the rule contained in those sections, whereby the courts of circuit are required to report to the Nizamut Adawlut, the circumstances of all cases, in which they may be of opinion, that any person has been released or punished on insufficient grounds,

In modification of the sections above quoted the judges of circuit are authorized, whenever any case may appear to them to have been insufficiently investigated, to direct a further enquiry to be made by the magistrate, and the result to be communicated to the court of circuit collectively for their orders, instead of reporting it in the first instance to the Nizamut Adawlut.

the judges of those courts are hereby authorized, whenever any case so brought before them, may appear not to have been sufficiently investigated, and a further inquiry may be practicable, and requisite for the ends of justice, to direct such additional inquiry to be made by the magistrate, and the result to be communicated to the judges of the court of circuit, collectively, for their orders on the case, instead of reporting it in the first instance, to the court of Nizamut Adawlut.

Two or more judges of a court of circuit declared competent to call for the proceedings of a magistrate or assistant on all occasions of petitions being presented to them relative to such proceedings, and to pass such orders thereupon as may be proper, and conformable with the regulations.

XXIII. Two or more judges of a court of circuit, forming a court at the sudder station, are further hereby declared competent, on all occasions, when it may appear necessary upon petitions presented to them, relative to the proceedings of any zillah or city magistrate, or of an assistant to a magistrate, within their jurisdiction, to call upon the magistrate for his proceedings, or those of his assistant, on the case, and to pass such orders thereupon as they may deem proper and consistent with the regulations.

The Nizamut Adawlut declar-

XXIV. In like manner, the court of Nizamut Adawlut are

declared

declared competent to call for the proceedings of any court of circuit, or of any zillah or city magiſtrate, or aſſiſtant to a magiſtrate, whenever it may appear requiſite, and to paſs ſuch orders thereupon as that court may deem juſt and proper.

ed competent to call for the proceedings of the courts of circuit, and of the magiſtrates, whenever requiſite, and to paſs ſuch orders upon them as may appear proper.

XXV. *Firſt.* The zillah and city magiſtrates are hereby required, in addition to the monthly reports preſcribed by Section XXX, Regulation IX, 1793, (extended to Benares by Section IV, Regulation XVI, 1795), and Sections XXVII, XXVIII, XXIX, and XXX, Regulation VI, 1803, to tranſmit to the Nizamut Adawlut, in the month of January of each year, an annual report, either in Engliſh or Perſian, of all criminal caſes, depending before the magiſtrates, or their aſſiſtants reſpectively, on the 31ſt of the preceding month of December.

Magiſtrates required to ſubmit in the month of January, an annual report to the Nizamut Adawlut, made up to the 31ſt December of each year, containing the particulars herein ſpecified.

Second. The report ſhall be drawn out, according to the following form, and ſhall contain the ſeveral particulars therein ſpecified:

Report of criminal caſes depending before the magiſtrate of the zillah (or city) of ———, *and his aſſiſtants, on the 31ſt of December.*

Names of the accuſed.	Whether in Confinement or under Bail.	Crime charged.	Date of charge.	Date of apprehenſion or firſt appearance of the accuſed.	Explanations of conſiderable delay, or other remarks.

Magiſtrates directed to tranſmit to the Nizamut Adawlut, in the month of January, of each year, an abſtract ſtatement of robberies and other crimes, committed in the preceding year containing the particulars herein ſpecified.

XXVI. *Firſt.* The zillah and city magiſtrates are further directed to tranſmit to the court of Nizamut Adawlut, in the month of January of each year, an abſtract ſtatement of the number of robberies, and other crimes of a heinous nature, aſcertained by the police officers, or otherwiſe, to have been committed within their reſpective juriſdictions, in the preceding Engliſh year; the number of perſons known or ſuppoſed to have been concerned in the commiſſion of ſuch crimes; and the number apprehended and convicted, or committed for trial before the court of circuit, according to the following form:

Abſtract ſtatement of robberies and other crimes of a heinous nature, aſcertained by the police officers, or otherwiſe, to have been committed within the zillah (or city) of ——— in the year ———, of the number of perſons, known or ſuppoſed to have been concerned, in the commiſſion of ſuch crimes, and of the number apprehended and convicted, or committed for trial before the court of circuit.

Deſignation and number of Crimes.		Computed number of perſons concerned.	Number apprehended and convicted or committed for trial.
1ſt	Robbery (decoity) and murder,	10	100	50
2d	Robbery (without murder),	20	200	100
3d	Affrays, and violent aſſaults attended with homicide, maiming or wounding,	20	200	100
4th	Murder,	5	20	10
5th	Houſe breaking (mukub zunee),	20	40	20
6th	Thefts, of conſiderable amount, or attended with aggravating circumſtances,	30	60	30
7th	Receiving ſtolen goods,	20	20	20
8th	Arſon, (when committed diſtinctly from other offences),	5	20	10
9th	Rape,	2	2	2
10th	Adultery,	4	4	4
11th	Perjury,	10	10	10
12th	Forgery,	5	5	5
	TOTAL	151	685	365

NOTE.—Remarks to be ſubſcribed on the increaſe or decreaſe of any particular deſignation of crime, on the greater or leſs number of perſons concerned, or apprehended, or on any other circumſtance, which may call for obſervation.

Second.

Second. To enable the magiſtrates, to furniſh the above ſtatement, they ſhall require from their police officers, a monthly report of heinous crimes, committed within their reſpective juriſdictions, the number of perſons known or ſuppoſed to have been concerned in the commiſſion of them, and when any have been apprehended, the number and names of the perſons apprehended.

Magiſtrates to require from their daroghas monthly reports of heinous crimes, committed within their juriſdictions.

A. D. 1807. REGULATION X.

A REGULATION *for the concluſion of the enſuing ſettlement in the ceded and conquered provinces.*—PASSED *by the Governor General in Council, on the* 11*th June* 1807, *correſponding with the* 30*th Jeyte* 1214 *Bengal era; the* 21*ſt Jeyte* 1214 *Fuſſily; the* 30*th Jeyte* 1214 *Willaity; the* 6*th Jeyte* 1864 *Sumbut; and the* 4*th Rubbee-us-Sanee* 1222 *Higeree.*

Preamble.

WHEREAS it has been deemed adviſable to appoint a local commiſſion for the ſuperintendence of the enſuing ſettlement in the ceded and conquered provinces, (excepting the territory aſſigned for the ſupport of the Royal Family at Delhi, and the zillah of Cuttack, including the pergunnah of Puttaſpore, and its dependencies) and for the general control of the collectors, in the diſcharge of that and of their other public duties; the following rules have been enacted, to be in force from the 17th September next, correſponding with the 2d Aſſin 1214 Bengal era; the 1ſt Aſſin 1215 Fuſſily; the 2d Aſſin 1215 Willaity; the 1ſt Aſſin 1864 Sumbut; and the 14th Rajeb 1222 Higeree, being the commencement of the Fuſſily year 1215.

II.

A commiſſion conſtituted for ſuperintending the enſuing ſettlement and the general control of the collectors in the ceded and conquered provinces, with exception to the aſſigned territory at Dehly and the zillah of Cuttack.

II. A commiſſion ſhall be conſtituted, conſiſting of two Members, for the ſuperintendence of the enſuing ſettlement, and for the general control of the collectors in the diſcharge of their ſeveral public duties, in the ceded and conquered provinces, with the exception of the territory aſſigned for the ſupport of the Royal Family at Delhi, and the zillah of Cuttack.

What duties, powers, and authority to be veſted in the commiſſioners.

III. The commiſſioners in the ceded and conquered provinces, are hereby veſted with all the duties, powers, and authority, which have been hitherto exerciſed by the Board of Revenue, in the ceded and conquered provinces, with the exception of the diſtrict of Cuttack, which ſhall remain ſubject to the control of the Board of Revenue as heretofore. In like manner, the duties hitherto performed by the ſecretary and accountant to the Board of Revenue, ſhall be henceforward performed, ſo long as this regulation ſhall remain in force, by the ſecretary and accountant to the board of commiſſioners.

Cuttack to remain ſubject to control of the Board of Revenue.

Duties to be performed by the ſecretary and accountant to the commiſſioners.

Commiſſioners to ſuperintend the formation of the ſettlement by the collectors as far as may be practicable in perſon.

IV. The primary object of the preſent commiſſion, being the ſuperintendence of the enſuing ſettlement of the land revenue, in the ceded and conquered provinces, and a proper application of the principles preſcribed by the exiſting regulations, for the allotment of the public aſſeſſment, it ſhall be the duty of the commiſſioners to ſuperintend the performance of that duty by the collectors, as far as circumſtances will permit, on the ſpot, by proceeding from time to time into the different diſtricts, according as they may be of opinion, that their preſence may be neceſſary or adviſable.

Notification that the aſſeſſed jumma of the laſt year of the ſettlement in the ceded and conquered provinces, immediately enſuing the preſent one ſhall remain fixed for ever on certain conditions.

V. The proviſion contained in Section XXIX, Regulation XXV, 1803, preſcribes, that at the expiration of the exiſting ſettlement, in the provinces ceded by the Nawaub Vizier, a new ſettlement ſhall be made for the period of four years. In like manner, the rules contained in Sections IV, V, and VI, Regulation IX, 1805, require, that at the expiration of the exiſting

ſettlement

ſettlement in the conquered provinces, and in the zillah of Bundlecund, two more temporary ſettlements ſhall be made in the ſaid conquered provinces, and in the zillah of Bundlecund reſpectively. The Governor General in Council, however, hereby notifies to the zemindars, and other actual proprietors of land in the ceded and conquered provinces, that the jumma which may be aſſeſſed on their eſtates, in the laſt year of the ſettlement, immediately enſuing the preſent ſettlement, ſhall remain fixed for ever; in caſe the zemindars ſhall now be willing to engage for the payment of the public revenue on thoſe terms in perpetuity, and the arrangement ſhall receive the ſanction of the Honorable the Court of Directors.

The ſame principle to be in force in Cuttack, under the orders of the Board of Revenue.

VI. The principle of the foregoing rule ſhall alſo be in force in the zillah of Cuttack, and ſhall be accordingly carried into effect in that zillah, under the orders and ſuperintendence of the Board of Revenue.

Rules for eſtabliſhing a mint committee at Furruckabad, reſcinded.

VII. The proviſion contained in Section IX, Regulation XLV, 1803, which preſcribes, that a mint committee ſhall be eſtabliſhed at Furruckabad, conſiſting of the magiſtrate, and of the collector of the revenue, is hereby reſcinded.

Rules directing the immediate conduct of the mint at Furruckabad to be committed to a mint and aſſay maſter, reſcinded.

VIII. The proviſion contained in Section X, Regulation XLV, 1803, which directs, that the immediate conduct of the buſineſs of the mint at Furruckabad, ſhall be committed to an officer, to be denominated the mint and aſſay maſter, is likewiſe hereby reſcinded.

The general ſuperintendence of the mint at Furruckabad, veſted in the board of commiſſioners, without being ſubject to the control of the preſidency mint committee.

IX. The general ſuperintendence of the mint at Furruckabad, ſhall be veſted in the board of commiſſioners, appointed under the preſent regulation, ſo long as the preſent regulation ſhall continue in force, with the ſame powers as were veſted in the mint committee, by Regulation XLV, 1803, or by any other exiſting regulation; provided, however, that the board of commiſſioners

ſioners ſhall not be conſidered, to be in any reſpect ſubject to the control of the mint committee at Calcutta.

The immediate conduct of the buſineſs of the mint, veſted in two ſeperate officers, ſtyled mint maſter and aſſay maſter.

X. The immediate conduct of the buſineſs of the mint at Furruckabad, ſhall be veſted in two ſeparate officers, viz. a mint maſter, and an aſſay maſter, with ſuch ſalaries and eſtabliſhments as the Governor General in Council ſhall think proper to aſſign for thoſe officers reſpectively.

A. D. 1807. REGULATION XI.

A REGULATION *for veſting the control of the cuſtoms, with certain exceptions, in the board of commiſſioners, appointed under Regulation* X, 1807.—PASSED *by the Governor General in Council, on the* 11*th June* 1807, *correſponding with the* 30*th Jeyte* 1214 *Bengal era; the* 21*ſt Jeyte* 1214 *Fuſſily; the* 30*th Jeyte* 1214 *Willaity; the* 6*th Jeyte* 1864 *Sumbut; and the* 4*th Rubbee-us-Sanee* 1222 *Higeree.*

Preamble.

WHEREAS a commiſſion has been appointed under Regulation X, 1807, for the ſuperintendence of the enſuing ſettlement in the ceded and conquered provinces; And whereas it has been deemed adviſable, that the ſaid commiſſion ſhould be inveſted with the control of the cuſtoms in thoſe provinces; the following rules have been enacted, to be in force in the ceded and conquered provinces, with the exception of the zillah of Cuttack, and the territory aſſigned for the ſupport of the Royal Family at Delhi, from the 17th September 1807, correſponding with the 3d Aſſin 1214 Bengal era; the 1ſt Aſſin 1215 Fuſſily; the 3d Aſſin 1215 Willaity; the 1ſt Aſſin 1864 Sumbut; and the 14th Rajub

Rajub 1222 Higeree, being the firſt day of the enſuing Fuſſily year 1215.

Control over the cuſtoms in the ceded and conquered provinces veſted in the board of commiſſioners.

II. The powers, duties, and authority which have hitherto been exerciſed by the Board of Trade, under Regulation VI, 1805, or any other regulation, in the control of the cuſtoms in the ceded and conquered provinces, ſhall be veſted in the board of commiſſioners appointed under Regulation X, 1807, ſo long as this regulation ſhall continue in force, with the exception of the cuſtoms levied in the zillah of Cuttack, which ſhall remain ſubject to the control of the Board of Trade.

Exception as to Cuttack.

Tranſportation of arms made after the European faſhion without a paſs, prohibited.

Penalty.

III. Arms manufactured according to the European faſhion, whether in Europe, India, or elſewhere, ſhall not be tranſported without a paſs from government, beyond the limits of the Company's territories, ſuch arms ſhall accordingly be liable to be confiſcated whenever they may be attempted to be tranſported beyond thoſe limits: provided, however, that this rule ſhall not be conſidered to be applicable to matchlocks and other arms made according to the Indian faſhion.

A. D. 1807. REGULATION XII.

A REGULATION *for the appointment of ameens of police, in the provinces of Bengal, Bahar, and Oriſſa; and for deſining the duties to be perſormed by them; alſo, for obtaining a complete regiſter of guards and watchmen employed by landholders, farmers, and others, and declaring the reſponſibility of their employers for the conduct of ſuch ſervants in certain caſes.*—PASSED *by the Governor General in Council, on the* 19*th June* 1807; *correſponding with the* 6*th Aſſaur* 1214 *Bengal era; the* 19*th Jyte* 1214 *Fuſſily; the* 6*th Aſſaur* 1214 *Willaity; the* 14*th Jyte* 1864 *Sumbut; and the* 12*th Rubbec-us-Sanee* 1222 *Higeree.*

THE police eſtabliſhments maintained on the part of Government in ſeveral diſtricts of Bengal, Bahar, and Oriſſa, having been found inſufficient for the purpoſes of their appointment; Preamble.

ment; and the reaſons which induced the Governor General in Council to exonerate the landholders and farmers of land from the general and excluſive charge of the police, to which they were liable under a clauſe in their engagements for the permanent ſettlement (as ſtated in the preamble to Regulation XXII, 1793,) not being applicable to the employment, in concert with the police darogahs, of ſuch of the landholders, farmers, and other inhabitants of credit and influence, as from their qualifications and character may be conſidered deſerving of confidence, and diſpoſed to make a proper uſe of the means which they poſſeſs, in promoting the maintenance of the peace, preventing the commiſſion of crimes, and apprehending offenders; it is expedient that proviſion be made for granting commiſſions to reſpectable Hindoo and Moſulman inhabitants of the ſeveral zillahs, in the provinces abovementioned, authorizing them to act as ameens of police, with certain ſpecified powers, and under ſuch reſtrictions as may be calculated to guard againſt any abuſe of the authority entruſted to them. For the more complete formation of the regiſter of village watchmen, directed in Section XIII, Regulation XXII, 1793, as well as for the purpoſe of enabling the zillah and city magiſtrates to aſcertain, at all times, what number and deſcriptions of watchmen and guards are maintained, in aid of the police; it is requiſite that all perſons employing pykes, chokeedars, paſbans, nigabans, burkundazes, or any other deſcription of watchmen or guards, ſhall deliver an annual liſt thereof to the magiſtrate of the zillah or city in which they are employed. The Governor General in Council has accordingly enacted the following rules, to be in force, as ſoon as promulgated, in the provinces of Bengal, Bahar, and Oriſſa, excluſive of the zillah of Cuttack, and of the pergunnahs lately dependant on that zillah which have been ſince annexed to Midnapore, as far as the ſeveral proviſions may be applicable thereto.

Hindoo and Moſulman inhabitants of zillahs may be appointed ameens of police.

II. Commiſſions may be granted to reſpectable Hindoo and Moſulman

Moſulman inhabitants of the ſeveral zillahs, in the provinces of Bengal, Bahar, and Oriſſa, authorizing them to act as ameens of police, with the powers, and under the reſtrictions, ſpecified in this regulation.

laha may be empowered to act as ameens of police, under certain powers and reſtrictions.

III. The ameens of police ſhall be nominated by the zillah magiſtrates; and approved by the Governor General in Council. The magiſtrates are required, in every inſtance, to report to the Governor General in Council, through the court of Nizamut Adawlut, the information they may have obtained concerning the character and qualifications of the perſons propoſed by them for the truſt.

Ameens of police to be nominated by the magiſtrates and approved by the Governor General in Council, to whom information of their characters and qualifications is to be tranſmitted by the magiſtrates through the Nizamut Adawlut.

IV. In the ſelection of perſons to fill the office of police ameen, a preference ſhall be given to ſuch as may be duly qualified, among the following deſcriptions; viz. proprietors of land, whether malgoozary or lakheraje, who have the management of their own eſtates; farmers of land holding their farms immediately from government; managers appointed by the court of wards for the eſtates of diſqualified landholders; managers of joint eſtates on the part of the proprietors; tehſeeldars or other officers collecting the rents of lands held khaus, or the revenue from proprietors or farmers of ſmall eſtates; reſponſible under-renters and creditable agents of landholders, or farmers, having the management of an entire eſtate, or of any conſiderable portion of an eſtate; and, in towns, bazars, hauts, gunges, or aurungs, of ſufficient extent to require a ſeparate police ameen, any reputable inhabitant of ſuch place, poſſeſſing property, and of acknowledged good character.

Preference to be given, in the ſelection of perſons as ameens of police, to the perſons herein ſpecified.

V. The appointment of ameen of police throughout every part of the ſeveral zillahs not being conſidered indiſpenſably requiſite, and it being intended that this diſtinction ſhall be conferred upon ſuch perſons only as may be deſerving of confidence, and ſincerely diſpoſed to employ the means which they poſſeſs in promoting the maintenance of the peace, preventing the commiſſion

To what conſiderations the magiſtrates are to pay ſtrict attention in propoſing commiſſions for the truſt of police ameen.

miſſion of crimes, and apprehending offenders, the magiſtrates are enjoined to pay ſtrict attention to this conſideration, and intention, in propoſing commiſſions for the truſt of police ameen, under this regulation.

Specification of the duration of the commiſſions of police ameens.

VI. The commiſſions of proprietors of land ſhall be in force no longer than they may have the management of their reſpective eſtates. The commiſſions of farmers, and under-renters of land, ſhall expire with their leaſes; and thoſe of managers, tehſeeldars, or other public officers, or private agents with the offices in virtue of which they may receive their commiſſions. Inhabitants of towns, or other places, to whom commiſſions may be granted on account of their local reſidence, ſhall retain them only whilſt they continue to reſide in ſuch places. Provided with reſpect to the whole of the perſons ſpecified, on repreſentation from the magiſtrates, of any ſpecial reaſon for extending the duration of commiſſions, beyond the time of their expiration under this ſection, ſuch extenſion may be granted, with the ſanction of the Governor General in Council, as ſhall appear expedient. The Governor General in Council alſo reſerves to himſelf the power of ordering, at any period, the revocation of a commiſſion for the office of police ameen, if the continuance of it appear unneceſſary or objectionable.

Duration of commiſſions may be extended for any ſpecial reaſon ſtated by the magiſtrates with the ſanction of Government.

Power of revoking commiſſions at any period reſerved to the Governor General in Council.

Sunnuds of office to be granted by magiſtrates to ameens of police.

VII. When the appointment of an ameen of police ſhall have been approved by the Governor General in Council, the zillah magiſtrates ſhall grant a ſunnud under his official ſeal and ſignature, in the Perſian language, and to the following effect:—

Form of ſunnud.

"BE IT KNOWN TO A. B.

" *of* ——

" In virtue of the powers veſted in me by Regulation XII, 1807, I hereby appoint you ameen of police for the (eſtate, mehaul, town, or other local diviſion) ſpecified at the foot of this ſunnud; with authority to apprehend perſons charged with heinous

heinous offences, and to do all such acts as the said regulation, or any subsequent regulations, printed and published in conformity with Regulation XLI, 1793, may authorize you to do. You are required to exercise the authority vested in you, agreeably to the rules prescribed in the said regulations, until your sunnud shall be recalled by order of the Governor General in Council; or so long (if the ameen be a proprietor of land) as you may be the proprietor, and retain the management of the estate; or, (if the ameen be a farmer, or under-renter) so long only as you may hold the lease; or, (if the ameen be a manager, tehseeldar, or other public officer or private agent,) so long as you may hold the office, by virtue of which this commission is granted to you; or (if the commission be given on account of local residence) so long as you may continue to reside at the place undermentioned. In the event of your ceasing to hold the (estate, lease, or office) by virtue of which this commission is granted, or, (if granted on account of local residence) in the event of your ceasing to reside at the place specified, you are to give immediate notice to the magistrate of this zillah; and shall not exercise the functions of police ameen, without the further sanction of the Governor General in Council, under penalty of a heavy fine, and such other punishment as the illegal acts done by you may appear to merit. Know this to be positively enjoined."

Ameens of police not removable from office during the continuance of their sunnuds without cause established to the satisfaction of Government. How a magistrate is to proceed if he judge proper to withdraw a commission.

VIII. No person receiving a sunnud, under the preceding section, shall be removable from the office of police ameen, during the time for which the sunnud is granted, without sufficient cause established to the satisfaction of the Governor General in Council. In all cases wherein the magistrate may judge it expedient to withdraw a commission granted under Section VII, before the expiration of it, he shall report the circumstances of the case, with any proceedings held by him relative thereto, for the information and orders of government, through the court of Nizamut Adawlut.

IX.

Sunnuds recalled or expiring to be delivered to the magiſtrate.

Penalty to which perſons exerciſing the functions of a police ameen without authority, are liable, and how magiſtrates are to proceed on ſuch occaſions.

IX. All ſunnuds recalled, or expiring, ſhall be immediately delivered up to the zillah magiſtrate to be cancelled; and any perſon exerciſing the functions of a police ameen, without being duly authorized, ſhall, on proof to the ſatisfaction of the Nizamut Adawlut, be liable to ſuch fine and impriſonment as that court may deem it equitable to adjudge, on conſideration of the nature and circumſtances of the caſe. The magiſtrates are to report their proceedings, in all ſuch inſtances, to the Nizamut Adawlut, with their opinion reſpecting the amount of the fine, that ſhould be impoſed on the offender, according to the degree of his offence, and his ability to make good the penalty.

Ameens of police to ſubſcribe a declaration before entering upon the execution of the duties of their offices.

Form of declaration.

X. Every ameen of police, previouſly to entering upon the execution of the duties of his office, ſhall ſubſcribe the following declaration before the zillah magiſtrate, or any perſon whom he may commiſſion to receive it:—

"I ——— appointed ameen of police, ſolemnly declare, that I will execute the duties of that office, to the beſt of my abilities, with diligence, impartiality and integrity, according to the regulations enacted, or which may be hereafter enacted, for my guidance; that I will not, directly or indirectly, receive, or knowingly allow any other perſon to receive, any fee, reward, or emolument whatſoever, on account of any matter relating to the exerciſe of my functions as police ameen; and that I will, in all reſpects, faithfully diſcharge the truſt repoſed in me."

Authority veſted in police ameens may be exerciſed by them, within certain limits, in concert with the police darogahs.

Limits of their juriſdiction to be ſpecified in their ſunnuds.

Perſons reſident within thoſe limits, declared amenable to the

XI. Ameens of police, duly commiſſioned, as directed, may exerciſe the authority with which they are inveſted, in concert with the police darogah, in all places ſituated within the limits of the eſtate, mehaul, town, or other local diviſion, for which they may be appointed; and the deſignation of which, with ſuch particulars as may be requiſite to define the limits of their juriſdiction, ſhall be ſpecified at the foot of the ſunnud granted to them. All perſons who may be reſident within ſuch limits, and who are ſubject to the juriſdiction of the zillah magiſtrate, are

declared

declared amenable to the authority of an ameen of police (in like manner as to the authority of a police darogah) as far as reſpects the regular execution of the duty committed to him. Ameens of police are alſo empowered to exerciſe a concurrent authority, within other police juriſdictions, when the perſon accuſed, at the time of the charge being preferred againſt him, may be within their proper juriſdiction, and may be purſued into another juriſdiction.

regular authority of the police ameens.

Police ameens may exerciſe a concurrent authority in the caſe herein ſpecified.

XII. *Firſt.* Ameens of police are authorized to receive charges againſt all perſons ſubject to their juriſdiction, for any crime of a heinous nature, ſuch as murder, robbery, houſe breaking, theft, ſetting fire to a village, houſe, or other building; or any crime involving a dangerous breach of the peace, ſuch as a violent affray, or aſſembling perſons to commit an affray, or any ſimilar offence requiring the immediate apprehenſion of the offender.

Specification of the powers of police ameens.

Second. Upon a complaint, in writing, being received by an ameen of police againſt any perſon or perſons ſubject to his juriſdiction, for murder, robbery, or other crime of the nature above ſpecified, and on the complainant, or any other creditable perſon, or perſons, acquainted with the caſe, depoſing on oath, or under a ſolemn obligation, to the truth of the complaint, the ameen of police ſhall iſſue a warrant, under his ſeal and ſignature, for the apprehenſion of the perſon or perſons complained againſt, unleſs any ſpecial reaſon appear why the iſſue of proceſs for apprehending the party accuſed ſhould be ſtayed; in which caſe, the police ameens ſhall immediately tranſmit the charge, with information of the reaſon for ſtaying proceſs thereupon, to the police darogah of the juriſdiction; for the purpoſe of enabling him to proceed, as directed in Section XII, Regulation IX, 1807.

How a police ameen is to proceed on a complaint in writing being preferred to him on oath, or under a ſolemn obligation.

Third. The warrant for apprehenſion, to be iſſued by a police ameen, ſhall be in the following form; and ſhall be directed to the officer by whom it is to be executed:—

To whom a warrant iſſued by a police ameen is to be directed.

To

"To ———

Form of warrant.

"Whereas ——— inhabitant of ———, ſtands charged on the oath (or ſolemn declaration) of ———, inhabitant of ———, with the crime of ———; you are hereby directed to apprehend the ſaid ———, and to produce him before me. In this fail not. Dated ———."

How a police ameen is to proceed after apprehending accuſed perſons.

Fourth. The police ameen ſhall, within twenty-four hours, cauſe the perſon or perſons apprehended by him, to be conveyed in ſafe cuſtody, to the police darogah of the juriſdiction; and ſhall at the ſame time, tranſmit the original complaint preferred, with a report of the meaſures adopted in conſequence.

Police darogahs how to proceed with perſons apprehended and ſent to them by police ameens.

Fifth. The police darogah, on receiving ſuch report, with the perſon or perſons apprehended, ſhall proceed in like manner as he is required to do, with reſpect to perſons apprehended by his own warrant; and ſhall, in all caſes, tranſmit the report of the police ameen for the information of the zillah magiſtrate.

In what caſes police ameens may apprehend without a written charge or warrant.

XIII. Ameens of police, and all perſons acting under them, are authorized to apprehend, without a written charge, or warrant, and to convey in ſafe cuſtody, to the police darogah of the juriſdiction, any offender or offenders, who ſhall be found in the act of committing a crime, or flagrant breach of the peace, of the nature ſpecified in the preceding ſection, or who ſhall be detected with ſtolen goods in their poſſeſſion; or againſt whom a general hue and cry ſhall have been raiſed, or for the apprehending of whom a proclamation ſhall have been publiſhed by the magiſtrate. In every other caſe, ameens of police are reſtricted from apprehending any perſon without a charge preferred againſt him, in writing, under the ſeal or ſignature of the complainant; and without a warrant under their own ſeal and ſignature.

In all other caſes police ameens prohibited from apprehending without a written charge and warrant.

Duties of police ameens specified.

XIV. *First.* It shall be the duty of ameens of police to afford every assistance in their power, in concert with the police darogahs, and other officers of police, towards maintaining the peace of the country; preventing the commission of heinous offences, and apprehending the offenders. They shall be careful to communicate to the police darogahs, all intelligence which they may receive; in any way relating to the police of the country; especially concerning robbers, vagrants, or persons of suspicious character, who may have concealed themselves, or be lurking about, without any ostensible livelihood, in their respective jurisdiction; and shall require all persons subordinate to them, to be assiduous in obtaining such information. It shall also be their particular duty to see that the pykes, pasbans, and other village watchmen, mentioned in Section XIII, Regulation XXII, 1793, perform the services required from them by Section XIV, of that regulation; that they patrol, at night, the towns and villages, to which they are attached, for the purpose of preventing robberies, thefts, and other crimes; or, if such be committed, that they use every endeavour to detect and seize the perpetrators.

Police ameens to give darogahs information of recent homicides, robberies, or other violent crimes.

Duty of police darogahs on such occasion.

Second. On information being received by an ameen of police of any recent homicide, or unnatural death, or of any robbery, or other violent crime, within his jurisdiction, he shall immediately communicate the same to the police darogah; who will proceed to take an inquest as required by Section IX, Regulation IV, 1797; or to make the inquiry directed by Section XVIII, of Regulation IX, 1807. The ameen of police shall at the same time, endeavour to procure any information which may be obtainable, tending to the detection of the persons concerned in the perpetration of the crime; and if any circumstances should prevent an inquest being taken, or inquiry made in due time by the police darogah, and his immediate officers, as directed in the regulations above mentioned, the police ameen shall proceed to hold the inquest, or make the inquiry in conformity thereto,

Duties of police ameens on such occasions.

In what case a police ameen is to hold an inquest, and transmit his report to the police darogah.

and

and tranſmit his report to the police darogah for the purpoſe of being forwarded to the magiſtrate.

Specification of further duties and powers of police ameens.

Third. Police ameens ſhall alſo give any requiſite aſſiſtance to the darogahs of police in making the inquiry directed by Section XVII, Regulation IX, 1807; and on apprehending a perſon charged with any of the criminal offences, of which they are authorized to take cognizance, if he ſhall admit the charge and make a free and voluntary confeſſion, they are empowered to take the ſame, in the manner preſcribed by the regulation above mentioned; for the purpoſe of diſcovering and apprehending any other perſons concerned in the commiſſion of the crime, or in poſſeſſion of any property that may have been ſtolen or plundered. But no priſoner ſhall be detained in cuſtody for this or any other purpoſe by a police ameen, beyond twenty-four hours, without the moſt urgent neceſſity; of which an explanation is to be given in the report ſent with the priſoner.

No priſoner to be detained by a police ameen, beyond 24 hours, without the moſt urgent neceſſity, of which explanation is to be given.

What petty offences police ameens are not to take cognizance of, unleſs the complaint for ſuch offence be referred by the magiſtrate.

XV. Ameens of police ſhall not take cognizance, in any way whatever, of petty offences and miſdemeanors, ſuch as abuſive language, treſpaſſes of men or cattle, and inconſiderable aſſaults or affrays; or offences not involving a breach of the peace, as adultery, fornication, and calumny; unleſs the complaint for ſuch an offence be ſpecially referred to them by the magiſtrate.

Magiſtrates may direct police ameens by perwanah to enquire into criminal complaints; originating in or contiguous to their juriſdiction.

Report of police ameens in ſuch caſes to have the ſame authority as a report of a darogah.

In ſuch inquiries and in all points not provided for by

XVI. Whenever the zillah magiſtrate ſhall judge it expedient to direct an inquiry to be made by an ameen of police, relative to any complaint of a criminal nature, originating within, or contiguous to the limits of his juriſdiction, it ſhall be competent to the magiſtrate to order the ſame, by a perwanah under his ſeal and ſignature; and the report made by ſuch ameen, ſhall, unleſs there be good reaſon for the contrary, have the ſame authority as the report of a darogah of police in ſimilar caſes. In making ſuch inquiries, and generally in all points coming within the preſcribed duty of a police ameen, which are not expreſsly provided for by

this

this regulation, the ameens of police ſhall be guided by the rules in force for the guidance of the darogahs of police, as far as the ſame may be applicable. The declared penalties for reſiſtance to proceſs iſſued by the police darogahs ſhall alſo be conſidered equally applicable to an authorized proceſs iſſued by an ameen of police.

this regulation, police ameens to be guided by the rules in force for the guidance of darogahs.

Penalties for reſiſtance of proceſs of a darogah, equally applicable to a legal proceſs of a police ameen.

XVII. Ameens of police ſhall furniſh the zillah magiſtrate with a monthly report of all perſons apprehended by them, and ſent to the police darogahs, ſuch reports ſhall contain the names of the perſons apprehended, the crime charged againſt them, the date of their apprehenſion, and the date of their diſpatch to the police darogah. The report ſhall be cloſed on the laſt day of each month, and ſhall be ſent by the public dawk, or by ſuch mode of conveyance, as the magiſtrate may direct, on or before the 5th day of the ſucceeding month. The police ameens ſhall alſo furniſh any other reports, or information, which may be required from them by the zillah magiſtrates.

What reports are to be furniſhed by police ameens to the magiſtrates, and what they are to contain.

When the report is to be cloſed, and how to be ſent to the magiſtrates, and on what date.

Police ameens to furniſh any other information required.

XVIII. If an ameen of police, or any perſon acting under his authority, be guilty of corruption, extortion, or oppreſſion, or commit any unwarranted act of authority, he ſhall be liable to proſecution, either criminally before the magiſtrate and court of circuit; or for damages in the dewanny adawlut. But no ameen of police ſhall be liable to be proſecuted for want of form in his proceedings, or for an error in judgment. Nor ſhall any proceſs whatever be iſſued againſt an ameen of police, who may be charged with corruption, extortion, or oppreſſion, unleſs the magiſtrate, or judge, ſhall be previouſly ſatisfied, by ſufficient evidence, that there is ground to believe the charge well founded.

How a police ameen or officer under him, may be proceeded againſt, for corruption, extortion, oppreſſion, or any unwarranted act of authority.

But not liable to proſecution for want of form or error in judgment.

No proceſs to be iſſued againſt a police ameen by a magiſtrate or judge for any of the offences above ſpecified, unleſs the judge or magiſtrate be ſatisfied by evidence, that there is ground to believe the charge.

XIX. *Firſt.* All pykes, chokeedars, paſbans, doſauds, nigabans, and other deſcriptions of village watchmen, who by Section XIII, Regulation XXII, 1793, are declared ſubject to the orders of the police darogahs, are further hereby declared to be equally ſubject

The ſeveral deſcriptions of village watchmen herein ſpecified, declared ſubject to the orders of the ameens of police.

subject to the orders of ameens of police, within their respective jurisdictions, in all matters relating to the office of the latter.

What other persons are subject to the authority of ameens of police.

All persons in the employment of ameens of police, whether as public or private servants, or who may be under their authority in any other capacity, are also required to obey all legal commands given by them, in the execution of their duty as officers of police.

Establishments payable by government not expected to be required by ameens of police.

Second. Considering the descriptions of persons from whom the ameens of police are to be selected under this regulation, it is not expected that they will require any distinct establishment of public officers, at the charge of government, to enable them to perform the duties required from them. But if such establishment appear, in any instance, to be indispensably requisite,

Magistrates to report through the Nizamut Adawlut, if in any instance establishments appear necessary.

the zillah magistrate will report it, through the court of Nizamut Adawlut, for the consideration of government.

Provisions of Section XVIII, Regulation XXII, 1793, declared applicable to ameens of police.

XX. The provisions in Section XVIII, Regulation XXII, 1793, for a reward of ten rupees, on account of every decoit apprehended by a police darogah, and for a commission of ten per cent on the value of all stolen or plundered property recovered by a police darogah, shall be considered equally applicable to decoits apprehended; and stolen or plundered property recovered by a police ameen.

Recapitulation of Section XIII, Regulation XXII, 1793.

XXI. By Section XIII, Regulation XXII, 1793, the police darogah is directed to keep a register of the village watchmen, declared subject to his orders; and upon the death or removal of any of them, the landholders, or others, to whom the filling up the vacancies may belong, are required to send the names of the persons whom they may appoint, to the darogah of the jurisdiction, that they may be registered by them. For the more complete formation of the register in question, and to enable the zillah and city magistrates, at all times, to ascertain what number and descriptions of watchmen and guards are maintained, in

The several descriptions of persons herein specified required to send to the magistrates within three months after the promulgation of

aid

aid of the police, throughout their reſpective juriſdictions, it is hereby further required, that every landholder, farmer, merchant, or other perſon, employing pykes, chokeedars, paſbans, nigabans, burkundazes, or any other deſcription of watchmen, or guards, ſhall, within three months after the promulgation of this regulation, tranſmit a liſt thereof, ſpecifying the names, occupations, places of reſidence, and allowances in land or money, of the ſeveral perſons entertained by them, to the magiſtrate of the zillah or city in which they are employed. They ſhall alſo tranſmit to the magiſtrate a ſimilar liſt, in the firſt month of each ſucceeding Bengal, Fuſſily, or Willaity year (according to the era current in the diſtrict) made up to the laſt day of the preceding year: any neglect to furniſh ſuch liſts, (eſpecially after being called upon by the magiſtrate) as well as any wilful omiſſion to include in them perſons actually employed as guards or watchmen, of whatever denomination, ſhall be liable to a fine to government, not exceeding two hundred rupees; to be determined by the magiſtrate, according to the ſituation of the party and circumſtances of the caſe.

this regulation a liſt of all village watchmen in their employ.

Alſo to tranſmit a ſimilar liſt in the firſt month of each of the years herein ſpecified, made up to the laſt day of the preceding year.

Penalty for breach of this rule and for wilful omiſſion to include in the liſts all perſons employed by them as guards or watchmen.

A. D. 1807. REGULATION XIII.

A REGULATION *for modifying certain parts of Regulation* XXXV, 1793, *Regulation* XLV, 1803, *and Regulation* XII, 1805; *relative to engagements for rupees, or gold mohurs, not being of the eſtabliſhed coinage.*—PASSED *by the Governor General in Council, on the 25th June* 1807; *correſponding with the 12th Aſſaur* 1214 *Bengal era; the 5th Aſſaur* 1214 *Fuſſily; the 12th Aſſaur* 1214 *Willaity; the 5th Aſſaur* 1864 *Sumbut; and the 18th Rubbee-us-Sanee* 1222 *Higeree.*

IN Section XX, Regulation XXXV, 1793, it is declared, that after the tenth of April 1794 (extended by Regulations VI, 1794, and LIX, 1795, to the 10th April 1796,) no perſon ſhall recover in any court of judicature, in the provinces of Bengal, Behar, or Oriſſa, any ſum of money, under a bond or other writing, or any agreement, written or verbal, entered into, after the above-

abovementioned date, by which any ſum of money ſhall be ſtipulated to be paid in any ſpecies of rupees excepting ficca rupees or gold mohurs of the nineteenth ſun, or the halves and quarters of each. By Section XXI, of the ſame regulation, all proprietors and farmers of land are prohibited from concluding engagements with their under farmers, ryots, or dependent talookdars, after the tenth of April 1794 (extended as above to the 10th April 1796,) in any ſpecies of rupees, or gold mohurs, excepting the ficca rupees and gold mohurs of the nineteenth ſun, under the penalty of not being permitted to recover any arrears that may become due to them under ſuch engagements. By Sections XV and XVI, Regulation XII, 1805, the ſame proviſions are extended to the zillah of Cuttack, from the expiration of the Willaity year 1213. Sections XXV and XXVI, Regulation XLV, 1803, relative to the ceded provinces, and extended to the adjacent conquered provinces, as well as to the zillah of Bundlecund, by Section XXVIII, Regulation VIII, 1805, contain ſimilar proviſions reſpecting the Lucnow forty-fifth ſun ficca rupee, which has been eſtabliſhed as the legal coinage of thoſe provinces, to be in force from the commencement of the Fuſſily year 1216. The object of theſe proviſions, and of others enacted by the regulations referred to, was to remedy the ill conſequences produced by the circulation of various rupees, of different and fluctuating value; and to eſtabliſh one rupee, of fixed weight and fineneſs, to be the general ſtandard and meaſure of value, viz. the nineteenth ſun ficca rupee (with its correſpondent gold mohur of the ſame ſun) deſcribed in Section II, Regulation XXXV, 1793, for the provinces of Bengal, Behar, and Oriſſa, including Cuttack; and the Lucnow forty-fifth ſun ficca rupee, deſcribed in Section II, Regulation III, 1806, for the provinces ceded by the Nuwaub Vizier, the conquered provinces in the Doab and on the right bank of the Jumna, and the zillah of Bundlecund. The period ſpecified for the operation of the proviſions in queſtion in the ceded and conquered provinces is not yet expired; but ſince the expiration of the period fixed for the operation

operation of them in the provinces of Bengal, Behar and Oriſſa, many engagements and agreements have been entered into, within thoſe provinces, for rupees of local currency, or uſed as a known and accuſtomed meaſure of value though no longer current. In ſome inſtances this has been aſcertained to proceed from an inſufficient promulgation of the regulations, and in general the party receiving for money or value due to him, an engagement declared invalid by the regulations, muſt be preſumed not to have been aware of the exiſtence of ſuch a proviſion, at the time of his taking the nugatory engagement. In ſuch caſes, the penalty of non-recovery by judicial proceſs is not only a hardſhip to the individual, but is repugnant to the ends of juſtice. It is therefore expedient, that the proviſions abovementioned, ſhould be modified, in ſuch manner as may be conſiſtent with the object of policy intended by them. The following rules have accordingly been enacted for that purpoſe by the Governor General in Council, to be in force from the periods therein ſpecified, throughout the whole provinces immediately ſubject to the Preſidency of Fort William, except the province of Benares, for the coinage of which no regulation has been yet publiſhed.

Section XX, and part of Section XXI, Regulation XXXV, 1793, and parts of Regulations VI, 1794, and LIX, 1795, reſcinded.

II. Section XX, Regulation XXXV, 1793, and ſo much of Section XXI, of the ſame regulation, as declares a penalty of non-recovery upon engagements in any ſpecies of rupees or gold mohurs, excepting thoſe of the nineteenth ſun, together with ſuch parts of Regulations VI, 1794, and LIX, 1795, as relate to the rule contained in Section XX, Regulation XXXV, 1793, and the penalty declared in Section XXI, of that regulation, are hereby reſcinded.

Section XV, and part of Section XVI, Regulation XII, 1805, reſcinded.

III. Section XV, Regulation XII, 1805, relative to the zillah of Cuttack, and ſo much of Section XVI, of the ſame regulation, as declares a penalty of non-recovery upon engagements in any ſpecies of rupees or gold mohurs, excepting the Calcutta ſicca rupees and gold mohurs of the nineteenth ſun, are alſo reſcinded.

IV.

How bonds or other engagements or agreements written, or verbal, entered into in the provinces herein ſpecified ſtipulating for the payment of money in any other ſpecies of rupee or gold mohur, than the ſicca rupee or gold mohur of the nineteenth ſun, may be liquidated at the option of the debtor.

IV. Bonds, or other engagements, and all agreements written, or verbal, which have been or may be entered into, within the provinces of Bengal, Behar, or Oriſſa, including Cuttack, ſtipulating for the payment of money in any other ſpecies of rupee or gold mohur than the ſicca rupee or gold mohur of the nineteenth ſun, deſcribed in Section II, Regulation XXXV, 1793, may be liquidated, at the option of the debtor, in the gold mohur of the nineteenth ſun, or in the nineteenth ſun ſicca rupee, at the valuation ſtated in the table of ſicca and other rupees, contained in Section XIV, Regulation XXXV, 1793.

How bonds or other engagements or agreements ſtipulating for the payment of any ſpecies of rupee not ſpecified in the table referred to in the preceding ſection, may be liquidated at the option of the debtor.

V. If the bond, or other engagement, or agreement, ſtipulate for the payment of any ſpecies of rupee, not ſpecified in the table referred to in the preceding ſection, it ſhall be at the option of the debtor to pay in rupees or gold mohurs of the nineteenth ſun, the intrinſic value of the rupees ſtipulated, to be aſcertained by aſſay at the neareſt mint, in the manner provided by Section XVI, Regulation XXXV, 1793, and Section XIII, Regulation XII, 1805.

How the courts of judicature are to give judgment in the provinces herein ſpecified, on bonds or other engagements ſtipulating for the payment of money in any other ſpecies of rupee or gold mohur, than the ſicca rupee or gold mohur of the nineteenth ſun.

VI. The courts of judicature within the provinces of Bengal, Behar and Oriſſa, (including Cuttack) in giving judgment upon bonds, or other engagements, ſtipulating for the payment of money in any other ſpecies of rupee or gold mohur, than the ſicca rupee or gold mohur of the nineteenth ſun, ſhall adjudge the amount to be payable in gold mohurs or ſicca rupees, of the nineteenth ſun, according to the table of valuation contained in Section XIV, Regulation XXXV, 1793; or if the ſtipulated ſpecies of rupee be not ſpecified in that table, according to the intrinſic value to be aſcertained by aſſay in the manner preſcribed by the preceding ſection.

All engagements for the payment of money entered into in the provinces herein ſpecified after promulga-

VII. All bonds and other engagements, or agreements for the payment of money, which may be entered into after the promulgation of this regulation, in any part of the provinces of Bengal,

Bengal, Bahar and Oriſſa, (including Cuttack,) are required to be in the ſicca rupee or gold mohur of the nineteenth ſun; under penalty, for diſobedience to this requiſition, of a fine to government, to be levied from the perſon taking ſuch engagement, not exceeding one fourth of the amount ſtipulated to be paid in any other ſpecies of rupee or gold mohur.

tion of this regulation, to be in the ſicca rupee or gold mohur of the nineteenth ſun. Penalty for breach of this rule.

VIII. The civil courts of judicature ſhall enforce the penalty provided for in the preceding ſection, in all caſes judicially before them, wherein any bond, engagement, or agreement, executed after the promulgation of this regulation, may be found to ſtipulate for the payment of any other ſpecies of rupee or gold mohur, than thoſe of the nineteenth ſun.

Civil courts to enforce the penalty in all caſes judicially before them after the promulgation of this regulation, wherein a breach of the above rule may appear.

IX. Section XXV, Regulation XLV, 1803, relative to the ceded provinces, and extended to the adjacent conquered provinces, as well as to the zillah of Bundlecund, by Section XXVIII, Regulation VIII, 1805, together with ſuch part of Section XXVI, Regulation XLV, 1803, as declares a penalty of non-recovery upon engagements in any ſpecies of rupee, except the Lucnow forty-fifth ſun ſicca rupee, eſtabliſhed by the ſaid regulation, are hereby reſcinded.

Section XXV, Regulation XLV, 1803, and part of Section XXVI, Regulation XLV, 1803, reſcinded.

X. Bonds or other engagements, and all agreements, written or verbal, which have been or may be entered into, within the ceded provinces (including the ſeveral zillahs ſpecified in Section II, Regulation II, 1803), or within the conquered provinces and Bundlecund (including the zillahs ſpecified in Section III, Regulation VIII, 1805), ſtipulating for the payment of money in any other ſpecies of rupee than the Lucnow forty-fifth ſun ſicca rupee, eſtabliſhed as the legal coinage of the ſaid provinces by Section II, Regulation XLV, 1803, and Section XXVIII, Regulation VIII, 1805, may be liquidated, at the option of the debtor, in the Lucnow forty-fifth ſun ſicca rupee, deſcribed in Section II, Regulation III, 1806, at the valuation ſtated in the table

How bonds or other engagements or agreements, written or verbal, entered into within the provinces herein ſpecified, ſtipulating for the payment of money in any other ſpecies of rupee than the Lucnow forty-fifth ſun ſicca rupee, may be liquidated at the option of the debtor.

table of Lucnow ficca and other rupees, contained in Section V, of that regulation.

How bonds or other engagements or agreements ſtipulating for the payment of any ſpecies of rupee not ſpecified in the table referred to in the preceding ſection, may be liquidated at the option of the debtor.

XI. If the bond or other engagement, or agreement, ſtipulate for the payment of any ſpecies of rupee not ſpecified in the table referred to in the preceding ſection, it ſhall be at the option of the debtor to pay in Lucnow ficca rupees of the forty-fifth ſun, the intrinſic value of the rupees ſtipulated, to be aſcertained by aſſay at the Furruckabad mint, in the manner provided by Section XXI, Regulation XLV, 1803.

How the courts of judicature in the provinces herein ſpecified, are to give judgment, after the commencement of the Fuſſily year 1216, upon bonds or engagements ſtipulating for the payment of any other ſpecies of rupee than the Lucnow forty-fifth ſun ficca rupee.

XII. After the commencement of the Fuſſily year 1216, the period fixed by Section XXIII, Regulation XLV, 1803, for the excluſive currency of the Lucnow forty-fifth ſun ficca rupee, the courts of judicature within the ceded and conquered provinces, and Bundlecund (including the zillahs ſpecified in Section II, Regulation II, 1803, and Section III, Regulation VIII, 1805), in giving judgment upon bonds, or other engagements, or agreements, ſtipulating for the payment of money in any other ſpecies of rupee than the Lucnow forty-fifth ſun ficca rupee, deſcribed in Section II, Regulation III, 1806, ſhall adjudge the amount to be payable in the preſcribed Lucnow forty-fifth ſun ficca rupee, according to the table of valuation contained in Section V, Regulation III, 1806; or, if the ſtipulated ſpecies of rupee be not ſpecified in that table, acccording to the intrinſic value to be aſcertained by aſſay in the manner preſcribed by the preceding ſection.

After what period all engagements entered into in the provinces ſpecified in the preceding ſection, are required to be in the Lucnow forty-fifth ſun ficca rupee.

Penalty for breach of this rule.

XIII. All bonds and other engagements, or agreements, for the payment of money, which may be entered into, after the commencement of the Fuſſily year 1216, in any part of the provinces deſcribed in the preceding ſection, are required to be in the Lucnow forty-fifth ſun ficca rupee, eſtabliſhed as the legal coinage of the ſaid provinces; under penalty for diſobedience to this requiſition, of a fine to government, to be levied from the

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perſon taking ſuch engagement, not exceeding one fourth of the amount ſtipulated to be paid in any other ſpecies of rupee.

After what period the courts of judicature are to enforce the penalty in caſes judicially before them, wherein a breach of the above rule may appear.

XIV. The civil courts of judicature ſhall enforce the penalty provided for in the preceding ſection, in all caſes judicially before them, wherein any bond, engagement, or agreement, executed after the commencement of the Fuſſily year 1216, may be found to ſtipulate for the payment of any other ſpecies of rupee than the Lucnow forty-fifth ſun ficca.

Nothing in this regulation to be conſtrued to affect the proviſions in Regulation IV, 1807.

XV. Nothing in this regulation ſhall be conſtrued to affect the proviſions contained in Regulation IV, 1807. for determining the rates at which rupees of ſorts are to be received and iſſued in the ceded and conquered provinces (including Cuttack) during the exiſtence of the depending ſettlement of the land revenue in thoſe provinces.

A. D. 1807. REGULATION XIV.

A REGULATION *for amending the ſyſtem of police eſtabliſhed in the province of Benares, and in the ceded and conquered provinces within the diviſions of Bareilly and Benares. Alſo for extending to thoſe provinces the proviſions contained in Regulation* XII, 1807, *for the appointment of ameens of police*—PASSED *by the Governor General in Council, on the* 2*d July* 1807, *correſponding with the* 19*th Aſſaur* 1214 *Bengal era; the* 12*th Aſſaur* 1214 *Fuſſily, the* 19*th Aſſaur* 1214 *Willaity; the* 12*th Aſſaur* 1864 *Sumbut, and the* 25*th Rubbee-us-Sanee* 1222 *Illgeree.*

Preamble

THE tehſeeldary ſyſtem of police eſtabliſhed in the province of Benares, and in the ceded and conquered provinces, in the diviſions of the Bareilly and Benares courts of circuit, has been found inefficient for the purpoſes intended by it, and open to material objections, as well from a proper eſtabliſhment of police officers not being maintained by the tehſeeldars, and from ſuch as are appointed by them not being ſufficiently under the control

control of the magiſtrates; as from the frequency of alterations in the extent of their juriſdictions, in conſequence of ſome of the eſtates compoſing them becoming huzooree tehſeel, under the option given to the landholders to pay their revenue directly into the treaſury of the collector. It has been provided by Section V, Regulation VII, 1807, in the province of Benares, that whenever a zemindar ſhall become huzoory, he ſhall be conſidered reſponſible directly to the magiſtrate for the apprehenſion of public offenders, and for the ſupport of the police generally within the limits of his eſtate: a ſimilar proviſion was made in the ceded provinces by Section XXVI, Regulation XXXV, 1803, (extended to the conquered provinces, and to Bundlecund by Regulation IX, 1804.) whereby the rules contained in that regulation relative to the tehſeeldars were declared to be equally applicable to landholders when eſtates might be huzoory tehſeel. But ſuch eſtates are often too ſmall to admit of a ſeparate police eſtabliſhment being kept up by the proprietors of them; and are frequently intermixed with other eſtates, either ſubject to a tehſeeldar, or paying revenue immediately to the collector. Compact local juriſdictions which are eſſential for a good police, are therefore incompatible with ſuch an arrangement; and cannot be obtained without reſuming the general charge of the police of the country from the tehſeeldars, and huzoory landholders, and placing it under officers appointed to the ſuperintendence of the police on the part of government; ſubject to the immediate control of the zillah and city magiſtrates. The landholders and farmers of land, who by their engagements are reſponſible for the preſervation of the peace within the limits of their reſpective eſtates and farms, may however be ſtill entruſted with the local police, ſubordinately to the officers of government, and as well as the tehſeeldars, may be employed as ameens of police; under the proviſions of Regulation XII, 1807, which it is therefore expedient to extend to the province of Benares, and to the ceded and conquered provinces in the diviſions of Bareilly and Benares. The Governor General in Council has accordingly enacted the following regulation to be

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in force throughout those provinces, from the commencement of the ensuing Fussily year 1215.

Such part of Regulation XVII, 1795, as herein quoted, rescinded.

II. *First.* So much of Regulation XVII, 1795, or of any other regulation, as declares the police of the province of Benares to be under charge of the tehseeldars; or which relates to the duty or responsibility of the tehseeldars, as officers of police, is hereby rescinded.

Such part of Section V, Regulation VII, 1807, as contains the provisions herein mentioned, rescinded.

Second. Such part of Section V, Regulation VII, 1807, as provides that whenever a zemindar in the province of Benares may become huzoory, he shall be considered responsible directly to the magistrate, for the apprehension of public offenders, and for the support of the police generally within the limits of his estate, is also rescinded.

So much of Regulation XXXV, 1803, (extended to the conquered provinces and Bundlecund, by Regulation IX, 1804,) or of any other Regulation, as declares the police to be vested in the tehsildars or relates to their duty and responsibility, rescinded.

III. *First.* So much of Regulation XXXV, 1803, (extended to the conquered provinces and Bundlecund, by Regulation IX, 1804,) or of any other regulation, as declares the police of the provinces ceded by the Nawaub Vizier, of the conquered provinces in the Dooab, and on the right bank of the river Jumna, or of the ceded territory in Bundlecund, to be under charge of the tehseeldars; or which relates to the duty or responsibility of the tehseeldars, as officers of the police, is hereby rescinded.

Part of Section XXVI, Regulation XXXV, 1803, (extended to the conquered provinces and Bundlecund, by Regulation IX, 1804,) rescinded.

Second. Such part of Section XXVI, Regulation XXXV, 1803, (extended to the conquered provinces and Bundlecund, by Regulation IX, 1804,) as declares the whole of the rules contained in that regulation, relative to the tehseeldars, to be equally applicable to landholders whose estates are huzoory tehseel, is likewise rescinded.

From what date the police of the ceded and conquered provinces shall be vested in officers to be appointed on the part of government,

IV. From the commencement of the ensuing Fussily year 1215, the charge of the police of the country, throughout the whole of the provinces specified in the two preceding sections, shall

and ſubordinately to them in the zemindars and farmers of land.

ſhall be veſted, ſubject to the control of the zillah and city magiſtrates, in the officers who may be appointed to the ſuperintendence of it on the part of government; and ſubordinately to them in the landholders, and farmers of land, who, by their engagements are reſponſible for the preſervation of the peace, within the limits of their reſpective eſtates and farms.

Compact police juriſdictions to be formed of the ſeveral zillahs in the diviſions of the Benares and Bareilly courts of circuit, including the mehauls under the magiſtrate of the city of Benares.

V. *Firſt.* The ſeveral zillahs, in the diviſions of the Benares and Bareilly courts of circuit, together with the mehauls under the magiſtrate of the city of Benares, ſhall be divided into compact police juriſdictions; including, indiſcriminately, the eſtates of huzoor tehſeel landholders, and of mehauls paying revenue through a tehſeeldar; as well as lakheraje lands, of every denomination, held exempt from the public aſſeſſment.

Police juriſdictions to be of two deſcriptions and to be denominated as herein directed.

Second. The police juriſdictions ſhall be of two deſcriptions. Firſt, ſuch as are eſtabliſhed at the ſtation where the zillah or city court is held; and which ſhall be denominated the "ſudder police juriſdiction." Secondly, ſuch as are eſtabliſhed at any place not being the ſtation where the zillah or city court is held; and which ſhall be denominated the "mofuſſil police juriſdictions."

What the ſudder police juriſdictions are to comprife and by what officer they are to be ſuperintended.

VI. *Firſt.* The ſudder police juriſdictions ſhall comprife the city or town, at which the zillah or city court is held, together with ſuch part of the ſuburbs and environs, as it may be judged expedient to place under the ſuperintendence of a cutwal, with an eſtabliſhment of darogahs, jemadars, burkundazes, and chokeedars, or other watchmen, proportionate to the extent and population of the juriſdiction.

What the mofuſſil police juriſdictions are to comprife, and by what officer they are to be ſuperintended.

Second. The moſuſſil police juriſdictions ſhall reſpectively comprife a conſiderable town or gunge, at which the ſuperintendent of the juriſdiction ſhall be ſtationed; together with ſuch part of the adjacent country as it may be deemed adviſable to place

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under the superintendence of a darogah, with an establishment of jemadars, burkundazes, and chokedars, or other watchmen, proportionate to the extent and population of each jurisdiction.

Third. In proposing a distribution of mofussil police jurisdictions, and the requisite establishments for them, the magistrates are to attend as much to the population, and, number of towns, villages, and other inhabited places, as to the extent of country; but the latter shall, in no instance, exceed ten cos's square, for any one police jurisdiction; unless peculiar local circumstances shall appear to require it, in which case, they are to be reported, through the court of nizamut adawlut, for the consideration of government.

To what circumstances the magistrates are to attend in proposing a distribution of mofussil police jurisdictions.

No police jurisdiction to exceed ten cos's square, unless local circumstances require it, which are to be reported through the nizamut adawlut for the consideration of government.

Fourth. If the principal town or gunge, included in any mofussil police jurisdiction, shall from its extent and population appear to require a cutwalee establishment; or if it appear expedient, in any instance, to include more than one considerable town or gunge within a mofussil police jurisdiction, and to station a naib darogah, or a jemadar, with a subordinate establishment of burkundazes, chokedars, or other watchmen, at the town or gunge, which may not be the station of the darogah of the jurisdiction, the magistrates shall propose such arrangement, through the court of nizamut adawlut, for the orders of the Governor General in Council.

How magistrates is to proceed, if the principal town or gunge in a mofussil police jurisdiction shall appear to require a cutwalee establishment, or if it appear expedient to include more than one large town or gunge in a mofussil police jurisdiction.

VII. *First.* The police jurisdictions of the several zillahs, as well as those under the magistrate of the city of Benares, shall be numbered; and named after the places at which the superintending officers are stationed. The magistrates shall, as soon as possible, after the receipt of this regulation, submit a statement of police jurisdictions, formed according to the provisions of it, together with a statement of the requisite police establishments for each jurisdiction through the courts of circuit, to the court of nizamut adawlut; and after obtaining the approbation of the Governor General in Council thereto, the names, numbers, limits, or establishments,

Police jurisdictions to be numbered and named.

Magistrates to submit statements of police jurisdictions and establishments formed according to the provisions of this regulation through the courts of circuit to the nizamut adawlut; and after being approved by government, the names, numbers, limits and

establishments, not to be changed without the previous sanction of government.

blishments, of the several jurisdictions, shall not be changed without the previous sanction of government.

Provided that the Governor General in Council may order the discontinuance of any police jurisdiction or establishment, or any alteration therein.

Second. Provided that it shall be, at all times, competent to the Governor General in Council, to order the discontinuance of any police jurisdiction, or establishment, which may appear to him unnecessary; or any alteration therein, which he may deem expedient.

Rules to be observed in the nomination of the cutwals and darogahs by the magistrates who are declared responsible for selecting persons duly qualified.

VIII. *First.* The magistrates shall nominate the cutwals, and police darogahs, through the court of nizamut adawlut, for the approbation of the Governor General in Council; they will in consequence, be held responsible for selecting persons duly qualified; and are required, in every instance, to report to the nizamut adawlut, any information obtained by them respecting the past employments, character, and qualifications, of the persons proposed by them.

Recapitulation of Section XXV, Regulation XVII, 1795.

Second. The cutwals, of the city of Benares, and town of Mirzapore, are already required, by Section XXV, Regulation XVII, 1795, to give security for their appearance, in the sum of five thousand rupees; namely, the cutwal himself in two thousand five hundred, and two responsible persons in one thousand two hundred and fifty each. The cutwal of the town of Juanpore is required by the same section, to give security in half the above amount. It is further hereby provided, that no person shall be appointed cutwal of the cities of Allahabad, Agra, Furruckabad or Barreilly, unless he shall have given security for his appearance in the sum of five thousand rupees; viz. himself in two thousand five hundred; and two responsible persons in one thousand two hundred and fifty each. The cutwals appointed to any other stations under this regulation shall previously give security for their appearance in the sum of two thousand five hundred rupees; namely, the cutwal himself in one thousand two hundred and fifty rupees; and two responsible persons in an equal amount.

No person to be appointed cutwals of the cities of Allahabad, Agra, Furruckabad or Barreilly, without giving the security herein specified.

What security is to be given by the cutwals appointed under this regulation.

Third.

What ſecurity is to be given by the police darogahs appointed under this regulation.

Third. The ſeveral police darogahs, who may be appointed under this regulation, ſhall give ſecurity for their appearance in the ſum of one thouſand rupees; namely, the darogah himſelf in five hundred; and two reſponſible perſons in two hundred and fifty each.

Declaration to be ſubſcribed by every cutwal and darogah previouſly to entering upon the duties of his office.

Fourth. Every cutwal and police darogah, previouſly to entering upon the execution of the duties of his office, ſhall ſubſcribe the following declaration, before the magiſtrate; or before ſuch perſon as he may commiſſion to receive it:—

Form of declaration.

"I ———, appointed cutwal of the city (or town) of ———, (or darogah of the ward, or police juriſdiction of ———,) ſolemnly declare, that I will execute the duties of that office, to the beſt of my abilites, with diligence, impartiality and integrity; according to the regulations enacted, or which may be hereafter enacted, for my guidance; that I will not, directly or indirectly, receive, or knowingly allow any other perſon to receive any fee, reward, or emolument whatſoever, on account of any matter relating to the exerciſe of my functions as cutwal (or darogah), and that I will, in all reſpects, faithfully diſcharge the truſt repoſed in me.

Sunnuds to be granted to cutwals and police darogahs.

Fifth. On the nomination of a perſon to the office of cutwal, or police darogah, being approved by the Governor General in Council, ſuch perſon ſhall receive a ſunnud, under the official ſeal and ſignature of the magiſtrate, in the Perſian language, and to the following effect:—

Form of ſunnud.

"Be it known to ———, inhabitant of ———, in virtue of the powers veſted in me, by Regulation XIV, 1807, I hereby appoint you cutwal of the city (or town) of ———, (or darogah of the ward, or police juriſdiction, of ———,) within the limits ſpecified at the foot of this ſunnud. You are accordingly authorized and directed to perform the duties of the ſaid office, in conformity with the proviſions of that regulation; or of any other regulation in force, which has been, or may be

enacted

enacted by the Honorable the Governor General in Council; and which ſhall have been printed and publiſhed in the preſcribed form. You are further required to obey all orders, conſiſtent with the regulations, which may be iſſued to you by the magiſtrate of the zillah (or city) in which you are employed. And are to diſcharge the truſt repoſed in you, faithfully and diligently, until this ſunnud ſhall be recalled; when it is to be delivered back to the office of the magiſtrate. Herein fail not. Dated ——— A. C. correſponding with ———."

The cotwal or police darogah to be removed from office without the ſanction of the Governor General in Council.

Sixth. No perſon receiving a ſunnud under the preceding clauſe, ſhall be removable from the office of cutwal, or police darogah, without the ſanction of the Governor General in Council, communicated through the court of Nizamut Adawlut, in conformity with the rules ſtated in Section X, Regulation V, 1804.

Subordinate officers of the cutwals and darogahs to be appointed and removed by them with the ſanction of the magiſtrate.

IX. The mohrirs, jemadars, burkundazes, chokeedars, and any other officers, appointed on the part of government to act under the cutwals and police darogahs, ſhall be nominated by them for the approbation of the magiſtrate; and may be removed by them, on ſufficient cauſe ſhewn to the ſatisfaction of the magiſtrate, as provided by Section XII, Regulation V, 1804.

Rules in Regulation XVII, 1795, for the police of the places therein mentioned, to be ſtill conſidered in force.

X. *Firſt.* The rules enacted by Regulation XVII, 1795, for the police of the city of Benares, and the towns of Mirzapore and Juanpore, ſhall be ſtill conſidered in force; ſubject to the proviſions contained in this regulation.

Rules in Regulation XVII, 1795, not to be conſidered applicable to the police of the town of Ghazeepore. Except as far as conſiſtent with the preſent proviſions for mofuſſil police juriſdictions.

Second. The zillah of Ghazeepore having been diſcontinued, the rules contained in Section XXII, and the ſucceeding Sections of Regulation XVII, 1795, ſhall not be conſidered applicable to the police of the town of Ghazeepore; except as far as the ſame may be conſiſtent with the proviſions for mofuſſil police juriſdictions, contained in the preſent regulation.

XI.

XI. *First.* The following rules, with modifications, the same as those enacted by Regulation XVII, 1795, and by subsequent regulations, for the police of the city of Benares, and the towns of Mirzapore and Jaunpore, are prescribed for the whole of the sudder police jurisdictions, of the several zillahs within the divisions of Benares and Bareilly.

Rules similar to those enacted by Regulation XVII, 1795, and subsequent regulations prescribed with modifications for the whole of the sudder police jurisdictions.

Second. The city or town, constituting, with its suburbs, the sudder police jurisdiction, shall be divided into wards. Each ward to be guarded by a police darogah, with a jemadar, and an establishment of burkundazes, chokeedars, or other watchmen. The several darogahs to be under the superintendence of a cutwal, and the whole under the immediate control of the magistrate.

Sudder police jurisdictions to be divided into wards.
Each ward to be guarded by a darogah and establishment, under the superintendence of a cutwal, and subject to the control of the magistrate.

Third. The chokeedars and other watchmen, are to be stationed by the cutwal, as the magistrate may direct; and are particularly to watch the entrances of streets and passages, places where spirituous liquors are sold, and any places where numbers of people occasionally assemble; or, where, from any circumstances there may be reason for special vigilance, to prevent a breach of the peace, or apprehend the persons by whom it may be broken.

Watchmen to be stationed by the cutwal as the magistrate may direct.

Fourth. The jemadars of the several wards, with half of the establishment of burkundazes, and the darogahs with the other half of their establishments shall patrole their respective wards without intermission; the one from sun set until twelve o'clock at night; the other from twelve o'clock at night until day light. The patroles are to move about with as little noise as possible, that thieves and other disorderly persons, may not be apprized of their approach. The patroles of the several wards, and such part of the stationary watchmen as the cutwal shall appoint, are to be furnished with a sighara or horn, which they are to sound when they meet with robbers, or other persons guilty of a breach of the peace, and have occasion to give the alarm to each other,

Rules for patrolling the wards.

or

or to the inhabitants of the ward, that they may co-operate for the apprehenſion of the offenders. The cutwal is to be careful that the ſtationary watchmen, and the darogahs and their officers, perform the eſſential duties preſcribed in this clauſe regularly and properly; and to report to the magiſtrate every inſtance in which they may be guilty of negligence, or miſconduct, in the diſcharge of them.

Mohulladar and mohulladarin to be appointed to each ward, and reports to be made by the bhutiarehs and ghaut mangees.

Fifth. To aſſiſt the darogahs in obtaining the earlieſt intelligence of any robbers, or other offenders, who may be concealed, or have taken up their reſidence, within their reſpective wards, the *mohulladar*, and *mohulladarin*, of each ward ſhall be ſubject to the orders of the darogah; to whom they ſhall convey immediate information of any offenders who may be found in their reſpective wards. It ſhall alſo be the duty of the *bhutiarehs*, or other perſons in charge of the public ſerays, and of the ghaut mangees, to deliver in to the cutwal's office, or to the darogah of the ward, daily reports, of the arrival and departure of travellers, and of all perſons of ſuſpicious appearance.

Their duties.

Rules in reſpect to private watchmen entertained and paid by individuals.

Sixth. All private watchmen, entertained by individuals, for guarding their houſes, ſhops, or other premiſes, within the cutwalee juriſdiction, are required to act in concert with the officers of police in maintaining the peace; and are declared ſubject to the orders of the cutwal, and of the darogahs of their reſpective wards, in all matters relative to the police. If ſuch watchmen be found deficient in performing the duties required from them, they ſhall be diſmiſſed at the requiſition of the magiſtrate; who is alſo empowered to ſee that none but proper perſons are appointed in their ſtead.

What deſcriptions of perſons the cutwals and darogahs are to apprehend, and how they are to proceed with them when apprehended.

Seventh. It ſhall be the duty of the cutwal and of the darogahs of wards, to apprehend all murderers, robbers, houſe-breakers, thieves, pick-pockets, and perſons charged with, or ſuſpected, of crimes, or miſdemeanors, involving a breach of the

the peace; as well as all vagrants who may be lurking about their reſpective juriſdictions, without any oſtenſible means of ſubſiſtence, and who cannot give a ſatisfactory account of themſelves. All ſuch perſons, who may be apprehended by the darogahs between ſun-riſe and ſun-ſet, ſhall be conveyed to the cutwal's office immediately on their apprehenſion. If any ſuch perſons ſhall be apprehended between ſun-ſet and ſun-riſe, they ſhall be conveyed to the cutwal's office, early in the morning after the night on which they may have been apprehended. The cutwal ſhall, every forenoon, by eleven o'clock, take before the magiſtrate, all perſons who may have been apprehended by him, or by the darogahs, during the night, or, ſubſequently to his report on the preceding day. The cutwal and darogahs are prohibited detaining, in cuſtody, any perſons whom they may have apprehended, beyond the time ſpecified, without a ſpecial order from the magiſtrate.

Cutwals and darogahs not to diſcharge perſons once apprehended, except in the caſes and under the reſtrictions herein ſpecified.

Eighth. The cutwal and darogahs ſhall not diſcharge any perſons whom they may have apprehended, without authority from the magiſtrate for their releaſe; excepting perſons who may have been apprehended for petty offences of a bailable nature, and who ſhall tender ſufficient bail for appearance before the magiſtrate at the time preſcribed; or perſons charged with trivial offences, ſuch as abuſive language, ſlight treſpaſſes, and inconſiderable aſſaults or affrays; whom the cutwal and darogahs are permitted to diſcharge, if previouſly to the time preſcribed for carrying them before the magiſtrate, the complainants ſhall voluntarily deliver a razeenamah, or writing, deſiring to withdraw the complaint; and the defendants ſhall conſent to the complaint being withdrawn. The razeenamahs in ſuch caſes, ſhall be atteſted by two creditable witneſſes, and are to be tranſmitted by the darogahs, as well as all bail bonds, and recognizances, on the morning following the night or day on which they may have been executed, to the cutwal; who ſhall ſubmit them to the magiſtrate, the ſame morning on which he may have received them

them, together with any such writings, relating to similar cases, that may have been entered into before himself.

In performing the duties herein specified, cutwals and darogahs to be guided by the rules prescribed in Sections XII to XV, Regulation IX, 1807;

Ninth. In receiving written complaints, issuing process of summons or warrant, taking bail when tendered in cases of a bailable nature, and taking recognizances from prosecutors and witnesses, when requisite; the cutwal and darogahs of wards, are to be guided by the rules enacted for the guidance of the police officers in general, in Sections XII, XIII, XIV and XV, of Regulation IX, 1807.

and to observe the restriction in Section XIV, of that regulation.

They are also to observe the restriction contained in Section XIV, of that regulation, that no summons or other process shall be issued by any police officer, without special instructions from the magistrate, on any charge of adultery, fornication, calumny, or other offence, not involving a breach of the peace.

To what the duty of cutwals and darogahs is restricted in the first instance.

Tenth. The duty of the cutwal and darogahs of wards, with regard to persons charged with, or found in the act of committing, crimes or misdemeanors, is restricted in the first instance to apprehending them, and bringing them before the magistrate, either in custody, or under bail, as prescribed.

Further restrictions.

They are not to make any inquiry into the truth of charges preferred to them, without special instructions from the magistrates; nor are they in any case, to pass sentence, or impose a fine, or make any exaction, or inflict any punishment upon any person whatever.

Restrictions in the preceding clause not meant to prohibit the cutwals and darogahs from making the inquiries herein specified.

Eleventh. The restriction in the preceding clause, is not meant to prohibit the cutwal and police darogahs, from taking inquests in cases of murder or other unnatural death; as prescribed by Section IX, Regulation IV, 1797; and Section XXV, Regulation XXXV, 1803; nor to prohibit their making the local inquiry directed in Section XVIII, Regulation IX, 1807, on information being received of a recent robbery or other violent crime, within their respective jurisdictions; nor to prevent their taking the voluntary confession of persons apprehended by them, in the manner authorized by Section XVII, Regulation

Nor to prevent their taking voluntary confessions.

IX,

IX, 1807. But no perſon ſhall be detained in cuſtody by them, for any of the purpoſes ſtated, without being taken before the magiſtrate, as required by Clauſe Seventh of this ſection.

But no perſon to be detained by them for any of theſe purpoſes.

Twelfth. The cutwals and darogahs, and all officers under their authority, ſhall be liable to a criminal proſecution before the magiſtrate and court of circuit; or to a civil action in the dewanny adawlut, for corruption, extortion, or oppreſſion, and for all acts done by them in oppoſition to this regulation, or to the proviſions of any other regulation in force.

Cutwals and darogahs and their ſubordinate officers liable to a civil or criminal proſecution for any of the illegal acts herein mentioned.

XII. *Firſt.* The police darogahs and their ſubordinate officers, who may be appointed, under this regulation, to the moſuſſil police juriſdictions of the ſeveral zillahs in the diviſions of Benares and Bareilly, as well as to any moſuſſil police juriſdictions under the magiſtrate of the city of Benares, ſhall perform the duties of police, preſcribed for the tehſeeldars, and police darogahs, and their eſtabliſhments, by Regulation XVII, 1795, Regulation XXXV, 1803, and any other regulation in force; ſubject to the proviſions contained in the preſent regulation.

Darogahs of moſuſſil police juriſdictions and their ſubordinate officers to perform the duties of police preſcribed by Regulations XVII, 1795, XXXV, 1803, and any other regulation in force, ſubject to the preſent proviſions.

Second. The whole of the rules contained in the regulations ſpecified in the preceding clauſe, which relate to the powers and duties of the tehſeeldars, as officers of police, viz. Sections VII, to XX, of Regulation XVII, 1795, and Sections VII, to XXI, of Regulation XXXV, 1803, are hereby declared applicable to the darogahs of moſuſſil police juriſdictions who may be appointed under this regulation; ſubject to the ſeveral modifications of the rules in queſtion, contained in Sections XII to XVIII, of Regulation IX, 1807, which are alſo declared applicable to the moſuſſil police darogahs appointed under this regulation.

Rules contained in Sections VII to XX, Regulation XVII, 1795, and Sections VII to XXI, Regulation XXXV, 1803, declared applicable to darogahs of moſuſſil juriſdictions, ſubject to the modifications contained in Sections XII to XVIII, Regulation IX, 1807.

Third. Section IX, Regulation IV, 1797, and Section XXV, Regulation XXXV, 1803, whereby police darogahs, and the principal

Sections IX, Regulation IV, 1797, and XXV, Regulation

XXXV, 1803, extended to police darogahs appointed under this regulation.

principal local officers of police, acting under tehseeldars and landholders vested with charge of the police, were required to take inquests, as therein directed, in all cases of murder, or other unnatural death, are likewise hereby extended to the police darogahs, who may be appointed under this regulation.

Rules in Section XI of this regulation extended to the towns and gunges at which the darogahs of mofussil police jurisdictions may be stationed.

In what cases the watchmen described in Sections XIII, Regulation XVII, 1795, and XIII, Regulation XXXV, 1803, who are declared subject to the police darogahs, are to assist in watching and patrolling.

Clause Sixth, Section XI, of this regulation, declared applicable to private watchmen in places forming part of a mofussil police jurisdiction.

Fourth. The rules for stationary watchmen and nightly patroles, in the sudder police jurisdictions, contained in Clauses Third and Fourth, Section XI, of this regulation, are hereby extended to the towns and gunges at which the darogahs of the mofussil police jurisdictions may be stationed. Where the police officers maintained on the part of government may be insufficient to perform the duties of watching and patrolling, they are to be assisted by the guards and watchmen described in Section XIII, Regulation XVII, 1795, and Section XIII, Regulation XXXV, 1803, who are declared subject to the orders of the police darogahs. Clause Sixth, Section XI, of this regulation, is also declared applicable to all private watchmen, entertained by individuals, for guarding their houses, shops, or other premises, within the towns, gunges, or other places forming part of any mofussil police jurisdiction.

Reward and commission authorized by the sections herein quoted, to be paid to cutwals and darogahs, sudder and mofussil, on seizing robbers or thieves or recovering stolen property.

XIII. The cutwals and police darogahs, both sudder and mofussil, who may be appointed under this regulation, shall for every robber or thief apprehended by them, and for all property stolen or plundered which may be recovered by them, be entitled to receive the reward of ten rupees and commission of ten per cent, authorized by Section XVII, Regulation XVII, 1795, and by Section XVIII, Regulation XXXV, 1803; to be paid in the manner therein provided. But it is hereby declared, in qualification of those sections, that the reward of ten rupees for apprehending a thief shall not be paid, excepting in cases of magnitude, such as may subject the offender to trial and conviction before the court of circuit.

Modification of those sections.

XIV. *First.* The tehſeeldars in the province of Benares and in the ceded and conquered provinces, within the diviſions of Bareilly and Benares, being exonerated by Sections II, and III, of this regulation, from their charge and reſponſibility, as officers of police, and from the expence of maintaining police eſtabliſhments, for which they were chargeable under their engagements, in part of their allowance from government of eleven and a half per cent (diſtinguiſhed as *deyek* and *bhurray* in the province of Benares,) upon the annual amount of the public revenue collected by them; their allowance, from the commencement of the enſuing Fuſſily year 1215, until the expiration of the Fuſſily year 1215, (being the period of the preſent ſettlement) in the ceded and conquered provinces, and until the expiration of the year 1216, (being the period for which the ſunnuds of the tehſeeldars have been renewed) in the province of Benares, ſhall be reduced to and fixed at ten per cent on the annual amount of the revenue collected by them reſpectively, and the remaining one and a half per cent ſhall be applied to defray the expence of the police eſtabliſhments maintained by government, under the proviſions of this regulation.

Tehſeeldars in the diviſion of Benares, and in the ceded and conquered provinces, being exonerated from their charge and reſponſibility as police officers, their allowances in the diviſion of Benares to be reduced to ten per cent from the beginning of the Fuſſily year 1215, to the expiration of the Fuſſily year 1216, and in the ceded and conquered provinces from the beginning of the year 1215 to the expiration of that year.

Second. The preceding clauſe is reſtricted to the tehſeeldars now in office, and receiving an allowance of eleven and a half per cent upon the amount of the revenue collected by them reſpectively. It is not meant to apply to any tehſeeldar now receiving a fixed ſalary, under the proviſions of Regulation XXI, 1806; or to any perſon who may be hereafter appointed to the office of tehſeeldar on the expiration of the periods above ſpecified; or previouſly thereto on the death, reſignation, or removal of the tehſeeldars now in office, and in the receipt of a commiſſion on the revenue. In ſuch caſes the Governor General in Council will fix the perſonal allowance of the ſucceſſor, in purſuance of Section II, Regulation XXI, 1806.

To what tehſeeldars the preceding clauſe is reſtricted and to what tehſeeldars not meant to apply.

XV. The huzzoor tehſeel landholders being alſo exonerated by

Huzzoor tehſeel landholders being exonerated

from keeping up police establishments, with the exception herein mentioned, are declared not entitled to any part of the allowance made to the tehseeldars, on their becoming huzoory.

by Sections II, and III, of this regulation, from keeping up any police eſtabliſhments, excepting ſuch as they were bound to keep when under tehſeeldars, for the maintenance of the peace within their reſpective eſtates, they will not be entitled to any part of the allowance made to the tehſeeldars, as noticed in the preceding Section, on their becoming huzoory. This has been already provided, with reſpect to the huzoory landholders of the province of Benares, by Section III, Regulation VII, 1807.

Provision on this ſubject in Regulation VII, 1807, with reſpect to huzoory landholders in Benares.

Nothing in this regulation to preclude tehſeeldars or landholders in the provinces hereinmentioned from receiving ſunnuds as aumeens of police, under Regulation XII, 1807.

XVI. Nothing contained in this regulation, however, ſhall preclude the tehſeeldars, or landholders, in the province of Benares, and in the ceded and conquered provinces within the diviſions of Bareilly and Benares, from receiving ſunnuds and being employed as aumeens of police under the proviſions of Regulation XII, 1807, entitled "A regulation for the appointment of aumeens of police in the provinces of Bengal, Behar, and Oriſſa; and for defining the duties to be performed by them. Alſo for obtaining a complete regiſter of guards and watchmen, employed by the landholders, farmers and others." The whole of the proviſions in that regulation are hereby extended to the province of Benares; and to the ceded and conquered provinces within the diviſions of Bareilly and Benares.

Proviſions in that regulation extended to the provinces herein ſpecified.

To what perſons ſunnuds as aumeens of police may be granted under the regulation abovementioned.

XVII. Under the regulation extended to the diviſions of Bareilly and Benares, by the preceding ſection, commiſſions to act as aumeens of police may be granted to any tehſeeldars, or farmers of land, as well as to the other deſcriptions of perſons ſpecified in Section IV, of that regulation, who may appear to be deſerving of confidence, and ſincerely diſpoſed to employ the means which they poſſeſs in promoting the maintenance of the peace, preventing the commiſſion of crimes, and apprehending offenders. It is further hereby declared, that if, in any particular tehſeeldarees, eſtates, or farms, the Governor General in Council, on conſideration of local or other circumſtances, ſhall judge it expedient to poſtpone the introduction of the general

Proviſions for poſtponing the introduction of the general ſyſtem of police eſtabliſhed by this regulation in any particular tehſeelda-

general ſyſtem of police eſtabliſhed by this regulation; or any part thereof; or to grant the full powers of a moſuſſil police darogah to the tehſeeldar, landholder, or farmer; or to commit the charge of the police to any other perſon, as a temporary arrangement; the ſame may be directed by an order to the magiſtrate, communicated through the court of Nizamut Adawlut.

ries, eſtates or farms, or for granting the powers of a moſuſſil police darogah to a tehſeldar, landholder, or farmer, or for making any other temporary police arrangement, if it appear expedient to the Governor General in Council.

XVIII. The zillah and city magiſtrates are directed to report, through the courts of circuit and Nizamut Adawlut, for the information of the Governor General in Council, any inſtances, within their reſpective juriſdictions, in which they may think it adviſable to adopt any ſpecial arrangement under the preceding ſection; ſtating fully the circumſtances which require it, and the particulars of the arrangement propoſed.

Magiſtrates to report through the Nizamut Adawlut when they may deem any ſpecial arrangement under the preceding ſection to be adviſable.

XIX. *Firſt.* Nothing in this regulation ſhall be conſtrued to affect the reſponſibility of the landholders and farmers in the province of Benares and in the ceded and conquered provinces within the diviſions of Bareilly and Benares, for robberies or thefts committed within their reſpective eſtates and farms; as declared in Section III, Regulation XVII, 1795; and in Clauſe Firſt, of Section III, Regulation XXXV, 1803, extended to the conquered provinces and Bundlecund by Regulation IX, 1804.

Nothing in this regulation to be conſtrued to affect the reſponſibility of the landholders and farmers declared in the regulations hereinquoted.

Second. They are further hereby declared reſponſible for the value of any ſtolen or plundered property, proved to have been brought into their eſtates or farms, with their knowledge or connivance, and which they may not have cauſed to be delivered up, or have given timely information reſpecting it to the local police officer, or to the magiſtrate.

Further reſponſibility to which they are rendered liable.

Third. All claims upon the landholders and farmers for the value of ſtolen or plundered property, under this ſection, are to be inſtituted, tried, and decided in the civil courts; ſubject to the general rules of appeal.

All claims upon landholders and farmers under this ſection, to be tried in the civil courts.

XX.

The provisions in the regulations herein quoted declared to be still in force under the present regulation.

XX. The provisions contained in Sections II, and III, Regulation II, 1797, and in Section III, Regulation XXXV, 1803, extended to the conquered provinces and Bundlecund by Regulation, IX, 1804, whereby the landholders and farmers of land, in the divisions of Benares and Bareilly are required, under the penalties therein stated, with the assistance of their pikes, chokeedars, pasbans, and other descriptions of village watchmen, to give, at all times, their utmost care and vigilance to prevent affrays, assaults, and other acts of violence, and breaches of the peace, within their respective estates and farms; as well as to apprehend and deliver over to the police officers any persons who may be found in the act of committing a breach of the peace; or whom the village watchmen are required to apprehend by Section XIV, of Regulation XVII, 1795, and Section XIV, of Regulation XXXV, 1803, or whom the police officers may require their aid to apprehend, in execution of the duties vested in them, are declared to be still in force, under the present regulation.

Provisions referred to in the preceding section declared equally applicable to all officers of government employed in the collection of the public revenue.

XXI. The provisions referred to in the preceding section, shall also be considered equally applicable to all officers of government, entrusted with or employed in the collection of the public revenue; or the rents of estates held khas, or under attachment; it being the duty of every public officer to render any assistance in his power for the support of the police, and the prevention of crimes, or the apprehension of persons by whom they are committed; especially when called upon to aid the established officers of police.

A. D. 1807. REGULATION XV.

A REGULATION *for modifying the conſtitution of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, ſo far as relates to the appointment of the judges of thoſe courts.*—PASSED *by the Governor General in Council, on the 23d July 1807; correſponding with the 9th Sawun 1214 Bengal era; the 4th Sawun 1214 Fuſſily; the 9th Sawun 1214 Willaity; the 4th Sawun 1864 Sumbut; and the 16th Jemaud-ul-Awul 1222 Higeree.*

Preamble.

WHEREAS it has been deemed adviſable to modify the proviſion contained in Section II, Regulation X, 1805, reſpecting the appointment of the Judges of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut; the following regulation has been paſſed, to be in force from the time of its promulgation throughout the provinces immediately dependant on the Preſidency of Fort William.

Section II, Regulation X, 1805, reſcinded.

II. Section II, of Regulation X, 1805, is hereby reſcinded.

III.

A Chief Judge, being a Member of the Supreme Council, and three Puiſne Judges to conſtitute in future the courts of Sudder Dewanny Adawlut and Nizamut Adawlut.

III. The courts of Sudder Dewanny Adawlut and Nizamut Adawlut ſhall in future conſiſt of a Chief Judge, being a Member of the Supreme Council, but not the Governor General, nor the Commander in Chief; and of three Puiſne Judges, to be ſelected from among the Company's Covenanted Servants.

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TITLES

OF THE

REGULATIONS

PASSED IN THE

YEAR 1808.

REGULATION

I.

A REGULATION *for commuting the tax at present levied on taur, kajoor, and nareeal trees, in the provinces of Behar and Benares, to a tax on the sale of the taury, or juice extracted from those trees, whether in a fermented or unfermented state —Passed on the 18th March*, 1808.

II

A REGULATION *for the better security of the property of minors subject to the jurisdiction of the European court at Chandernagore —Passed on the 16th April*, 1808.

III

A REGULATION *for restricting and regulating the retail of taury in the ceded and conquered provinces and Bundlecund —Passed on the 13th May* 1808

IV.

IV.

A REGULATION *for the appointment and administration of the office of canoongoe in the ceded and conquered provinces, and in the province of Benares.—Passed on the 17th June*, 1808.

V

A REGULATION *to explain and declare the intent and meaning of certain clauses in the existing regulations, respecting the settlement of the land revenue in the ceded provinces.—Passed on the 8th July*, 1808.

VI.

A REGULATION *for the settlement of the revenues of the zillah of Cuttack —Passed on the 2d September* 1808.

VII.

A REGULATION *for completing the registers of lands, held free of assessment in the ceded and conquered provinces in the Doab, and on the left bank of the river Jumna, and in the territory ceded by his Highness the Peishwah to the British Government in Bundlecund.—Passed on the 16th September*, 1808.

VIII.

A REGULATION *for the more exemplary punishment of robbery by open violence; and for modifying the rules in force, respecting trials referred to the court of Nizamut Adaw'lut.—Passed on the 19th September*, 1808.

IX.

A REGULATION *for the apprehension of persons concerned in the offence of gang robbery, and especially the sirdars or leaders of gangs of dacoits.—Passed on the 4th November*, 1808.

X.

A REGULATION *for the appointment of a superintendent of po-*

lice;

lice; and for defining his jurisdiction and authority —Passed on the 28th November, 1808.

XI.

A REGULATION *for the adjustment of the rent payable by the heirs of invalid jaggeerdars.—Passed on the 28th November*, 1808.

XII.

A REGULATION *to provide for the administration of civil and criminal justice at Serampore.—Passed on the 23d December*, 1808.

XIII.

A REGULATION *for rendering civil causes which are appealable to the court of Sudder Dewanny Adawlut, cognizable in the first instance by the provincial courts; and for authorizing the execution of decrees appealed from, in certain cases.—Passed on the 30th December*, 1808.

A. D. 1808. REGULATION I.

A REGULATION *for commuting the tax at preſent levied on Taur, Kajoor and Nareeal trees, in the provinces of Behar and Benares, to a tax on the ſale of the Taury, or Juice extracted from thoſe trees, whether in a fermented or unfermented ſtate.*—PASSED *by the Governor General in Council, on the 18th March 1808; correſponding with the 7th Chyte 1214 Bengal era; the 6th Chyte 1215 Fuſſily; the 7th Chyte 1215 Willaity; the 6th Chyte 1865 Sumbut; and the 19th Mohurrum 1223 Higeree.*

Preamble.

WHEREAS Section XI, Regulation VI, 1800, eſtabliſhed rules for levying a duty on the juice of the taur, kajoor and nareeal trees, when ſold in a fermented ſtate, or when ſold in an unfermented ſtate, by any other perſons than the pauſees or extractors of taury: And whereas in conſequence of the rapid fermentation of the taury when extracted from the trees, it has been found impracticable to diſtinguiſh with preciſion between the ſale of the liquor in a fermented and unfermented ſtate, ſo as to prevent the ſale of it in the former ſtate without the regular

licenſe

licenſe required to be taken out by all perſons vending taury in a fermented ſtate; And whereas great inconvenience has been experienced in reſpect to the police of the country, in the provinces of Behar and Benares from the ſale of taury in a fermented ſtate by the pauſees or extractors not paying the licenſe duties: And whereas it has been aſcertained that in the above provinces taury in an unfermented ſtate is little uſed, and that conſequently no material inconvenience can be experienced by the inhabitants from ſubjecting the ſale of it in every ſtate to the payment of the licenſe duty preſcribed by Section XI, Regulation VI, 1800, for the ſale of taury in a fermented ſtate: And whereas it has been judged proper in ſubjecting the ſale of that article in all ſtates to the payment of a licenſe duty, to exempt the pauſees from the payment of the tax preſcribed by Sections XII and XIII, Regulation XXXIV, 1793; the Governor General in Council has been pleaſed to enact the following rules, to be in force in the provinces of Behar and Benares, from the commencement of the Fuſſily year 1216, correſponding with the 5th September 1808; the 22d Bhadoon 1215 Bengal era; the 22d Bhadoon 1215 Willaity; the 1ſt Aſſin 1865 Sumbut; and the 13th Rajeeb 1223 Higeree.

Sections XII and XIII, Regulation XXXIV, 1793, and Section XI, Regulation VI, 1800, reſcinded in part in Behar and Benares.

II. Sections XII and XIII, Regulation XXXIV, 1793, and Section XI, Regulation VI, 1800, as far as this latter ſection exempts the extractor of taury from the payment of a licenſe duty on the ſale of the liquor in an unfermented ſtate, are hereby reſcinded in the provinces of Behar and Benares.

All taury ſold whether in a fermented or unfermented ſtate, ſubjected to payment of a duty.

III. All taury whether ſold in a fermented ſtate or unfermented ſtate, ſhall be ſubjected to the payment of a duty at the rates eſtabliſhed by Section XI, Regulation VI, 1800, upon the ſale of taury in a fermented ſtate; and all perſons who may be deſirous of vending taury in any ſtate, are to take out a licenſe for the purpoſe, in the ſame manner as is directed for the ſale of ſpirituous liquors.

IV.

In what cafes Regulation VI, 1800, is applicable to taury ſold.

IV. The ſeveral proviſions contained in Regulation VI, 1800, reſpecting the ſale of ſpirituous liquors, are hereby declared applicable, with an exception to the rate of duty to taury, whenever the ſame may be ſold in any ſtate whether fermented or unfermented.

What rates of duty are to be levied. Such rates may be encreaſed with the ſanction of government.

V. The rates of duty to be levied from the venders of taury and the ſtamp duties for the licenſes, ſhall be the ſame as thoſe ſpecified in Section XI, Regulation VI, 1800. But the Board of Revenue ſhall be competent, with the ſanction of the Governor General in Council, to encreaſe the rates whenever it may appear to them from the reports of the collectors, or of the magiſtrates, that the preſent rates are too low.

Section XII and XIII, Regulation XXXIV, 1793, and Section XI, Regulation VI, 1800, ſtill in force in Bengal and Oriſſa including Cuttack.

VI. The rules preſcribed in Sections XII and XIII, Regulation XXXIV, 1793, and in Section XI, Regulation VI, 1800, ſhall ſtill remain in force within the provinces of Bengal and Oriſſa including Cuttack.

A. D. 1808. REGULATION II.

A REGULATION *for the better ſecurity of the property of minors ſubject to the juriſdiction of the European court at Chandernagore*—PASSED *by the Governor General in Council, on the* 16*th April* 1808, *correſponding with the* 5*th Byſaak* 1215 *Bengal era, the* 6*th Byſaak* 1215 *Fuſſily, the* 5*th Byſaak* 1215 *Willaity, the* 6*th Byſaak* 1865 *Sumbut, and the* 19*th Suffer* 1223 *Higeree.*

Preamble.

SINCE the town of Chandernagore has been under the authority of the Britiſh government, the civil laws of France, under which its French inhabitants lived before the war, have been allowed to continue in force, but the proviſions of thoſe laws with regard to the period of minority and the guardianſhip of minors have been found by experience in many reſpects inapplicable to preſent circumſtances, and inſufficient for protecting the property of perſons under age. By thoſe laws the period of minority continues till the age of five and twenty years, but by the law at preſent eſtabliſhed in France and throughout the French colonies, that period is limited to one and twenty years.

This

This difference in the relations of property, which muſt neceſſarily ſubſiſt between individuals at Chandernagore and their kindred or connections in France or the French colonies, may be productive of ſerious inconvenience. It frequently happens that Europeans dying at Chandernagore have no relations on the ſpot, and the law in uſe not allowing of a teſtamentary diſpoſition of guardianſhip; the choice of a guardian to their minor children devolves on ſtrangers; by the law in uſe the only manner ſtrictly legal of inveſting the funds of minors, is in good real ſecurity; and the impracticability in moſt caſes of procuring ſuch ſecurity at Chandernagore, affords a plauſible pretext for employing the funds of minors in hazardous ſpeculations; by the law in uſe guardians are not ſubject during their adminiſtration to be called to account except in caſes of notorious malverſation, and conſequently there is no ſuch control as ought to exiſt for the prevention of abuſes in their truſt. As it is highly expedient to afford to guardians a legal, eaſy, ſafe and profitable mode of inveſting the property of their wards, and to eſtabliſh over them ſuch a ſpecies of controul as may provide for the ſecurity of the funds entruſted to them without deterring honeſt and reſpectable men by the ſeverity of its details from undertaking the charge; The Governor General in Council has enacted the following rules, to be in force from the promulgation of this regulation within the town of Chandernagore.

Fixing the period of majority for Europeans, and others, ſubject to the French civil laws at Chandernagore.

II. The period of majority for Europeans, deſcendants of Europeans, and other perſons, hitherto ſubject to the civil laws of France at Chandernagore, is, for the future, fixed at the age of one and twenty years.

Once a year guardians to deliver in their accounts to the European court of juſtice.

III. All guardians (not parents) already appointed, and to be, hereafter, appointed, ſhall deliver in their accounts to the European court of juſtice at Chandernagore, once a year, namely: on the 1ſt of July, adjuſted to the 30th of April preceding, ſpecifying the whole amount of their receipts and diſburſements on account of their

their wards, the balance in their hands, and the manner in which they have disposed of that balance.

Cases in which the court of justice may call upon a guardian for his account.

IV. Upon an application made on behalf of a minor, and after the circumstances stated in that application, shall have been duly verified, the court of justice at Chandernagore shall be competent to call upon a guardian for his account at any shorter period.

Immoveable property of minors, not to be sold without sanction of the court.
Capital of Minors engaged in trade, manufacture, or mortgages, to continue so invested with the approbation of the court.

V. Immoveable property now belonging, or which may in future belong, to minors, shall not be sold without the sanction of the court, or special directions in the will by which such property may be bequeathed; capital engaged in trade or manufacture, or invested in good mortgages which may at present belong, or which may in future be left or come to minors, shall continue to be so applied or invested so long as the guardians, with the approbation of the court, shall deem such application or investment advantageous to the minors; but no guardian shall without the permission of the court engage the property of his ward in trade or manufacture, or dispose of it otherwise than in the purchase of public securities bearing interest, which shall be deposited as soon as purchased in the public treasury: and all balances of cash in the hands of guardians shall as often as possible, be vested in the purchase of such securities.

No guardian shall engage the property of his ward in any other manner than in public securities without the permission of the court.
Balance of cash to be vested in public securities.

Periodical accounts not to be conclusive, but shall be open to revision until the final settlement of them.

VI. The periodical statements of accounts in the court of justice shall not be conclusive. The accounts of guardians till the final settlement of them, according to the laws of France, shall always be open to revision and impeachment, upon proof of any error, or fraud.

The foregoing rules not applicable to guardians appointed by the father to his children.

VII. The above rules shall not be considered applicable to guardians appointed by a father to his children by his last will, duly made before a notary, or according to any other form which is required by the law now in use at Chandernagore as essential to the validity of a will; power is hereby given to fathers to make such

Fathers empowered to make such appointments.

In what cafes ſuch guardians to be called to account.

ſuch appointments by will; guardians ſo appointed ſhall not be called to account during their adminiſtration, unleſs a complaint be preferred on behalf of the minor, and reaſonable ground be made to appear to the court; but in caſe of groſs malverſation eſtabliſhed againſt them, they ſhall not only be liable to make good any loſs to their wards, but may be removed from their offices by a decree of the court.

On receipt, this regulation to be tranſlated into French, and to be regiſtered and publiſhed for general information.

VIII. The ſuperintendent at Chandernagore, on the receipt of this regulation, ſhall cauſe it to be exactly tranſlated into the French language, and to be regiſtered and publiſhed in the court of juſtice, as well as in ſuch other places, and in ſuch manner, as may be cuſtomary, for general information.

A. D. 1808. REGULATION III.

A REGULATION *for reſtricting and regulating the retail of tarry in the ceded and conquered provinces and Bundlecund* —PASSED *by the Governor General in Council, on the* 13*th May* 1808*; correſponding with the* 1*ſt Jeyte* 1215 *Bengal era; the* 3*d Jeyte* 1215 *Fuſſily; the* 1*ſt Jeyte* 1215 *Willaity; the* 3*d Jeyte* 1865 *Sumbut; the* 16*th Rubbee-ul-Awul* 1223 *Higeree.*

Preamble.

AT the original introduction of the abkarry tax into the ceded provinces by Regulation XL, 1803, (ſubſequently extended to the conquered provinces and Bundlecund by Regulation VIII, 1805,) it was not deemed expedient to impoſe any tax on the juice of the taur or kujoor trees, as the conſumption of thoſe articles was not ſuppoſed to be of ſufficient extent to render them an object of taxation; and the collectors were directed whenever they ſhould be of opinion that the conſumption had become ſufficiently great to warrant the meaſure, to ſubmit their opinion to the Board of Revenue with regard to a tax being impoſed on thoſe articles. The reaſons for this temporary exemption

tion no longer exiſting, the Governor General in Council has been pleaſed to reſolve that, a tax be now impoſed on the ſale of tarry in the ceded and conquered provinces and Bundlecund, and to enact the following rules, to be in force from their promulgation in thoſe provinces reſpectively.

Licenſes to be granted for the retail of tarry under the ſame provitions as for the ſale of ſpirituous liquors.

II. The ſeveral proviſions contained in Regulation XL, 1803, and all ſubſequent regulations reſpecting the ſale of ſpirituous liquors, are hereby declared applicable (with an exception of the rate of duty) to toddy or tarry, viz. the juice of the taur, kujoor or nareal trees when retailed in ſhops, or other places of vend, whether in a fermented ſtate or otherwiſe, and all perſons whether pauſees or others, who may be deſirous of retailing tarry, are to take out licenſes for the purpoſe, in like manner as is directed for the ſale of ſpirituous liquors.

The licenſes to be on ſtampt paper

Form of the licenſe.

III. The licenſes to be granted for the retail of tarry, ſhall be written on ſtampt paper, and ſhall bear an inſcription in the Perſian language and character, and in the Hindooſtanee language and Nagree character of "tarry licenſes," and in other reſpects ſhall be drawn out agreeably to Section X, Regulation XL, 1803, as far as the form preſcribed therein may be applicable.

Rates of tax and of ſtamp duty.

Proviſions for varying the rate of tax.

IV. The following tax and ſtamp duty are hereby impoſed on licenſes for the retail of tarry, provided that, if by reaſon of the greater or leſs produce of tarry at different ſeaſons of the year, it ſhould be found neceſſary to vary the rate of tax according to the ſeaſon, the following ſhall be conſidered the medium rates; and the licenſe and counterpart engagement ſhall ſpecify the ſeveral rates of tax to be paid for each month throughout the year.

TAX.

In cities and capital towns of the firſt claſs, - -	1 Rupee.
In towns or villages of the ſecond claſs, -	12 Annas.

In

In towns or villages of the third claſs,	-	8 Annas.
In towns or villages of the fourth claſs,	-	4 Annas.

STAMP DUTY.

On ſhops paying 1 Rupee per diem,	-	10 Rupees.
On ſhops paying 12 Annas per diem,	-	6 Rupees.
On ſhops paying 8 Annas per diem,	-	4 Rupees.
On ſhops paying 4 Annas per diem,	-	2 Rupees.

How the ſtamp paper for licenſes is to be applied for and iſſued.

V. The tarry licenſes ſhall be written on paper of the ſame ſize and dimenſions as that which may have been determined on by the Board of Revenue, with the ſanction of the Governor General in Council, under Section XXV, Regulation XL, 1803: The ſuperintendant of ſtamps is to prepare as ſoon as poſſible the neceſſary ſtamps for thoſe licenſes, and they are to be applied for, and iſſued under the proviſions contained in Section XXVI, of the ſame regulation.

A. D. 1808. REGULATION IV.

A REGULATION *for the appointment and administration of the office of canoongoe in the ceded and conquered provinces, and in the province of Benares.*—PASSED *by the Governor General in Council, on the 17th June 1808, corresponding with the 5th Assar 1215 Bengal era, the 9th Assar 1215 Fussily, the 5th Assar 1215 Willaity; the 9th Assar 1865 Sumbut, and the 22d Rubbee-us-Sanee 1223 Higeree.*

Preamble

THE office of canoongoe having been found of great utility under the former governments of the ceded and conquered provinces, and being calculated to render much public benefit in those provinces, and in the province of Benares, under proper rules and restrictions, the Governor General in Council has been pleased to pass the following regulation, to be in force from the 5th of September 1808, corresponding with the 22d Bhadoon 1215 Bengal era, the 1st Assin 1216 Fussily, the 22d Bhadoon 1215 Willaity, the 1st Assin 1865 Sumbut, and the 13th Rajeeb 1223 Higeree.

Two canoongoes appointed

II. Two persons shall be immediately appointed in every pergunnah

In every pergunnah.

gunnah in the ceded and conquered provinces, and in the province of Benares, to execute the office of canoongoe.

How ſelected and nominated.

III. Theſe officers ſhall be ſelected in all practicable caſes by the collectors, from the number of the canoongoes who have heretofore diſcharged the duties, and ſhall be nominated for the approval of the Board of Commiſſioners in the ceded and conquered provinces, and for the approval of the Board of Revenue in the province of Benares, and ſhall not be removable from office except for ſufficient cauſe proved to the ſatisfaction of thoſe authorities, under the proviſions of Regulation V, 1804.

Office of canoongoe not hereditary. Vacancies how ſupplied.

IV. The office of canoongoe is declared not to be hereditary; but in the original nomination, and in ſupplying future vacancies, the collectors ſhall make it a rule in all practicable caſes to ſelect from the families of the canoongoes, ſuch perſons as from character, education, and accquirements, ſhall be beſt qualified to perform the duty.

Allowance of canoongoes what it includes.

V. The canoongoes appointed under this regulation, ſhall receive ſuch ſalaries as the Governor General in Council may think proper to fix for their ſupport. The ſalaries ſo granted ſhall be conſidered to preclude all claims to further pecuniary allowances under the denomination of nankar, and any other denomination. It is alſo hereby declared, that the revenue of the lands hitherto held by the canoongoes generally, in the ceded and conquered provinces, in virtue of their offices, will be liable to reſumption by government; and that this rule ſhall be conſidered applicable both to the perſons who may be continued in the office of canoongoe under the preſent regulation, and to thoſe who may be diſcharged from the public ſervice. Nothing however contained in this proviſion ſhall be conſtrued to preclude the Governor General in Council from continuing to either of thoſe claſſes of perſons, the whole or a part of the lands hither-

to

to held by them reſpectively, free of aſſeſſment, in thoſe caſes in which the circumſtances of the parties may appear to require that indulgence.

VI. The above rule is not to preclude claims to rent-free lands, or penſions held by the canoongoes under grants made to the individuals for reaſons unconnected with the office of canoongoe. Exception.

VII. The canoongoes are to execute the duties herein ſpecified. Duties of the canoongoes.

1ſt. To keep a counterpart jumma waſſil bawkee, or account of the collections of the tehſildars from eſtates, the ſettlement of which has been concluded, and of the collections made by the tehſildars, or by ſezawuls, from lands held khaus, or under attachment. To keep a jumma waſſil bawkee.

2d. To keep an account of all lands held under rent-free tenures, whether the grants be hereditary, or otherwiſe, and to report to the collector all eſcheats of ſuch lands to government. And an account of rent free lands, and report eſcheats.

3d. To keep a liſt of the putwarries in each village, and a regiſter of pottahs granted by the landholders to their under-tenants. To keep a liſt of putwarries, and a regiſter of pottahs.

4th. To keep a regiſter of all transfers of eſtates by ſale, (public, or private) mortgage, leaſe, or otherwiſe, and to atteſt ſuch transfers at the requeſt of the parties, without fee, or gratuity, with their official ſignatures. And a regiſter of transfers of eſtates.

5th. To compile information regarding local boundaries of pergunnahs, and eſtates; the number and names of villages, articles of produce, rates of rent, rules, and cuſtoms eſtabliſhed in each pergunnah; and to furniſh at the requiſition of the courts of juſtice, and of the collectors, all local information within their cognizance. And accounts of boundaries, villages, produce, rent, rules, and cuſtoms.

6th.

To aid meaſurements.

6th. To aſſiſt at all admeaſurements of land, whether undertaken by the officers of government, in conformity to the regulations, or by the landholders, or ryotts, and to record the ſame.

To keep the accounts required in a preſcribed form.

7th. To prepare and keep the information and accounts directed in this, or any future regulation, in ſuch manner and form as may be from time to time preſcribed by the Board of Revenue, and Board of Commiſſioners reſpectively.

To report death of malgoozars, and name of heir.

8th. To report to the collector the death of a malgoozar, and the name of his heirs, and to keep a regiſter of all ſucceſſions to lands.

Canoongoes not to hold farms, or become ſureties.

VIII. Perſons who may be ſelected to fill the office of canoongoe, are hereby prohibited from holding farms, or from becoming ſureties for farmers, or zemindars, within the local limits of their official duties.

Records to be made over to ſucceſſors and how.

IX. On the death, reſignation, or removal of a canoongoe, the records of the office are to be made over to his ſucceſſor, and the magiſtrate of the zillah is enjoined, on the application of the collector, to interpoſe his authority, in all caſes in which it may be neceſſary to enforce the ſurrender of ſuch records.

Refuſal to give them up, how puniſhed.

X. The refuſal or manifeſt evaſion of any perſon in poſſeſſion of the records mentioned in the preceding ſection, to deliver them up, on the requiſition of the magiſtrate, is hereby declared to ſubject the party ſo offending, on proof thereof, to the penalties preſcribed by the regulations for reſiſtance to the proceſs of the magiſtrate.

Right of government to vary the number of canoongoes.

XI. Nothing contained in this regulation ſhall be conſtrued to preclude the Governor General in Council from exerciſing the right of decreaſing the number of canoongoes, of aboliſhing the office in any pergunnah where from local circumſtances the duty may be performed by leſs than two perſons, or by the canoongoes

in

in a neighbouring pergunnah. Nor from exerciſing the right to encreaſe the number of canoongoes in any pergunnah where from circumſtances more than two may be found neceſſary.

XII. The collectors are enjoined to report to government through the Board of Revenue, or the Board of Commiſſioners, according as the pergunnahs may be ſituated in the province of Benares, or in the ceded and conquered provinces, all inſtances wherein they may deem it expedient to increaſe, or diminiſh the number of canoongoes in a pergunnah, with their reaſons at large for ſuch opinion.

Collectors to report when variations are neceſſary.

A. D. 1808. REGULATION V.

A REGULATION *to explain and declare the intent and meaning of certain clauſes in the exiſting regulations, reſpecting the ſettlement of the land revenue in the ceded provinces.*—PASSED *by the Governor General in Council, on the 8th July* 1808, *correſponding with the 26th Aſſar* 1215 *Bengal era; the 1ſt Sawun* 1215 *Fuſſily; the 26th Aſſar* 1215 *Willaity; the 1ſt Sawun* 1860 *Sumbut; and the 13th Jemaud-ul-Awul* 1223 *Higeree.*

Preamble.

BY Clauſe Third, Section LIII, Regulation XXVII, 1803, reſpecting the ſettlement of the ceded provinces, it is enacted, that "perſons holding claims to lands, for which engagements have been entered into by the preſent poſſeſſors, and who did not prefer their claim to regain poſſeſſion of the ſame, within ſix months from the date (as recorded in the ſeveral zillahs,) of iſſuing the proclamation by the Board of Commiſſioners of the 14th of July 1802, ſuch claimants ſhall not be entitled to be put in actual poſſeſſion before the expiration of the firſt leaſe of three years, and claims not preferred within the aforeſaid period of three years ſhall not entitle the claimant

" claimant to regain poſſeſſion until the expiration of ten years." It is alſo enacted in Article 4th, Clauſe Second, Section LIII, of the abovementioned regulation, " that perſons fulfilling their " engagements for the firſt three years, ſhall have the option of " renewing the ſame for the ſecond period, on the preſcribed " terms, and ſo on, for the third period." Doubts have in conſequence ariſen whether the reſtrictive clauſes thus eſtabliſhed in favour of farmers and others, to the excluſion, in certain caſes, of the actual proprietors of the lands during the whole decennial term, were intended to apply only " to perſons who (according " to the terms of the firſt proviſion above cited) might not prefer " their claims within the aforeſaid period of three years," or whether the ſaid reſtrictions ſhould be conſidered applicable generally to the proprietors of eſtates, who, having been for any cauſe excluded from the management of their lands at the concluſion of the firſt temporary ſettlement of the ceded provinces, did not prefer a requeſt, within the term of three years, to be admitted to the management of their lands at the expiration of that term. It is conſequently become neceſſary to explain by a declaratory regulation the real intent and meaning of the above proviſions, as deducible from the proclamation and inſtructions publiſhed by the Lieutenant Governor and Board of Commiſſioners in the ceded provinces, in virtue of powers veſted in them for that purpoſe, and from the tenor of other clauſes in the exiſting regulations; the following rules have conſequently been paſſed, to be immediately in force in the ceded provinces.

Explanation of Clauſe Third, Section LIII, Regulation, XXVII, 1803, as to the right of actual proprietors to be put into poſſeſſion of lands already engaged for by others or farmed out for a term of years.

II. It is hereby declared, that Clauſe Third, Section LIII, Regulation XXVII, 1803, compriſing the ſubſtance of inſtructions iſſued on the 14th July 1802, by the Lieutenant Governor and Board of Commiſſioners in virtue of powers veſted in them for that purpoſe, was intended to relate in the firſt place, to the caſe " where any perſon, calling himſelf an actual proprietor " of land ſhould enter into engagements for the ſame; but it " ſhould afterwards appear, that another perſon was the real " proprietor

" proprietor, and willing to take the land upon the terms of the " ſettlement." In ſuch caſe, according to the expreſs proviſions of the inſtructions above cited, " the original engagements were " to be annulled, and new ones entered into with the real pro- " prietor; who was to be put in immediate poſſeſſion;" provided he preferred his claim within ſix months from the publication of the proclamation of the ſame date, as required by a further publication iſſued in conformity to inſtructions dated 7th Auguſt 1802. " In default of which," as declared in the ſaid publicati- " on, " the eſtabliſhing of his right would not entitle the pro- " prietor to be put in poſſeſſion at any time previous to the " expiration of the firſt leaſe of three years; during the whole " of which leaſe the lands were in ſuch caſe to remain in the " poſſeſſion of the perſon with whom the ſettlement had been " originally made." It was further provided by the ſaid inſtructions that " if perſons, having claims to land, did not prefer and " prove the ſame within the period of the firſt leaſe of the three " years, the perſons, with whom the exiſting engagements had " been made, were to remain in poſſeſſion until the expiration " of the tenth year." The ſame clauſe of the ſection and regulation, as above cited, was intended to relate in the ſecond place to the caſe of farmers with whom a village ſettlement ſhould be made (for lands ſuppoſed to be without proprietors) under the 7th article of the proclamation, recited in Regulation XXV, 1803. And, in regard to ſuch farmers, it was provided by the inſtructions aforeſaid, that " in like manner, and on ſimilar con- " ditions, farmers of villages were to be held liable to be diſpoſ- " ſeſſed in the event of the actual proprietors proving their " right to the land and of their coming forward to enter into " engagements for the ſame."

III. The aforeſaid Section LIII, of Regulation XXVII, 1803, being expreſſly declared by Section XXIX, of Regulation XXV, 1803, to compriſe the ſubſtance of the proclamation (inſtructions) iſſued by the Lieutenant Governor and Board of Commiſſioners

In what ſenſe the foregoing clauſe and ſection is to be underſtood and in what caſes it is to apply.

on

on the date above mentioned (14th July 1802), muſt be taken and underſtood according to the tenor and meaning of the ſaid inſtructions as herein above recited. It is therefore declared, that Article 4th, Clauſe Second, Section LIII, Regulation XXVII, 1803, together with Clauſe Third of the ſaid Section and Regulation, ſo far as they relate to farmers, were intended to apply only to thoſe eſtates of which a farming or other ſettlement had been made with perſons, not being the actual proprietors, on the preſumption that the lands in queſtion were not the immediate property of any individuals, or in conſequence of perſons not really owners of the lands entering into engagements as actual proprietors of the ſame. It conſequently follows that, the reſtrictions in queſtion were not intended to apply to the caſes of perſons, who at the concluſion of the original ſettlement of the ceded provinces, had been acknowledged by the officers of Government as the proprietors of the eſtates in queſtion, but who had been excluded from the immediate management of the lands in conſequence of their refuſal to accede to the jumma propoſed to be aſſeſſed thereon, as under ſuch acknowledgement thoſe perſons could have no further claim to prefer, or title to eſtabliſh. This conſtruction of the rules in queſtion is not only conformable to the clear intent of the inſtructions iſſued by the late Board of Commiſſioners to the collectors for their guidance in the formation of the ſettlement of the ceded provinces, and with the principles which have uniformly actuated the government of concluding the ſettlement in all practicable caſes, and at the earlieſt period of time with the proprietors, but likewiſe with ſpecific enactments in other parts of the exiſting regulations. For inſtance, in Section XXXIII, Regulation XXV, 1803, it is enacted as follows: "The lands of ſome zemindars, independent talookdars, and other actual proprietors of land having been held khaus, or let in farm, in conſequence of their refuſing to pay the aſſeſſment required of them, under the proclamation inſerted in Section XXIX, of this regulation, the Governor General in Council notifies to the zemindars, independent talookdars

" talookdars and other actual proprietors of land, whose lands
" are held khaus, that they shall be restored to the management
" of their lands, upon their agreeing to the payment of the
" assessment which shall be required of them, in conformity to
" the prescribed rules for the settlement of the land revenue; and
" the Governor General in Council declares to the zemindars,
" independant talookdars, and other actual proprietors of land,
" whose lands have been let in farm, that they shall not regain
" possession of their lands, before the expiration of the period
" for which they have been farmed (unless the farmers shall
" voluntarily consent to make over to them the remaining term
" of their lease, and the Governor General in Council shall
" approve of the transfer,) but that, at the expiration of that
" period, upon their agreeing to the payment of the assessment
" which shall be required of them, they shall be reinstated,
" under the general regulations, in the management of their
" estates respectively." In like manner, it is enacted in Section VII, Regulation V, 1805, as follows: " nothing contained in
" this regulation shall be considered to affect any settlements
" which shall have been actually concluded for the whole or
" any part of the ensuing three years 1213, 1214, and 1215
" Fussily; neither shall any part of this regulation be construed
" to preclude the operation of the rule prescribed by Section
" XXXIII, Regulation XXV, 1803, under which the zemindars,
" independant talookdars, and other actual proprietors of land,
" whose lands have been let in farm, are entitled, at the ex-
" piration of the present triennial settlement ending with the
" year 1212 Fussily, to be reinstated, under the general regu-
" lations prescribed for such cases, in the management of their
" estates, upon their agreeing to the payment of the assessment
" required from them." The first of the two rules above cited would have been nugatory and superfluous, had it been intended that the acknowledged proprietors of estates, who had been excluded from the immediate management of their estates, should only reobtain possession on the expiration of the whole of the decennial

decennial term; as they would naturally be reinſtated in the poſſeſſion of their lands in the ordinary courſe on the expiration of that period without any legiſlative proviſion for that purpoſe in their favor. And Section VII, Regulation V, 1805, ſpecifically ſtates, in alluſion to the former rule, that the zemindars, independent talookdars, and other actual proprietors of land, whoſe lands have been let to farm, are entitled at the expiration of the firſt triennial ſettlement, to be reinſtated in the management of their eſtates.

Acknowledged actual proprietors, who had been excluded from the management of their lands on refuſing to accede to the preſcribed jumma, ſhall be reinſtated at the cloſe of the preſent Fuſſily year on their aſſenting to the jumma propoſed.

IV. Conformably to the foregoing conſtruction of the exiſting regulations, all perſons, who were acknowledged to be the actual proprietors of eſtates at the concluſion of the firſt ſettlement of the ceded provinces, and were excluded from the immediate management of their lands in conſequence of their refuſal to accede to the jumma required from them, were juſtly entitled to be reinſtated in poſſeſſion of their lands at the expiration of the firſt triennial leaſe on their agreeing to the payment of the aſſeſſment required of them; and are in like manner entitled to the poſſeſſion and management of their lands, under the ſame condition, at the expiration of the triennial leaſe now in force. It is accordingly hereby declared that they ſhall be reinſtated in the poſſeſſion and management of their lands at the cloſe of the current Fuſſily year, on their aſſenting to the jumma which may now be aſſeſſed on their reſpective eſtates. No part however of this regulation ſhall be conſtrued to extend to the caſe of the claimants of eſtates in the ceded provinces, whoſe proprietary right was diſputed at the period of the concluſion of the firſt triennial ſettlement of thoſe provinces, and who did not eſtabliſh their claims in a court of juſtice before the expiration of the firſt triennial ſettlement. In all caſes of this deſcription, in which the lands were let to farm, the farmers are entitled under the regulation above noticed and the conditions of their leaſe to the option of renewing the leaſe for the period of four years from the commencement of the Fuſſily year 1216, provided that they have hitherto duly fulfilled the conditions of their engagements.

This rule not to extend to perſons whoſe proprietary right was not eſtabliſhed before the expiration of the firſt triennial ſettlement.

A. D. 1808. REGULATION VI.

A REGULATION *for the ſettlement of the revenues of the zillah of Cuttack.*—PASSED *by the Governor General in Council, on the* 2*d September* 1808*; correſponding with the* 19*th Bhadoon* 1215 *Bengal era; the* 27*th Bhadoon* 1215 *Fuſſily; the* 19*th Bhadoon* 1215 *Willaity; the* 13*th Bhadoon* 1865 *Sumbut; and the* 10*th Rajub* 1223 *Higeree.*

Preamble.

WHEREAS it is enacted in Sections V, and VI, Regulation X, 1807, that the jumma which may be fixed on the eſtates of the ſeveral zemindars and other actual proprietors of land in the zillah of Cuttack, in the laſt year of the enſuing quarternial ſettlement ordered to be made in that diſtrict ſhall remain fixed for ever, in caſe the zemindars ſhall be willing to engage for the payment of the public revenue on thoſe terms in perpetuity, and the arrangement ſhall receive the ſanction of the Honorable the Court of Directors; And whereas obſtacles have occurred to the immediate concluſion of a ſettlement on thoſe principles in the diſtrict of Cuttack; And whereas it has been deemed advifable that a local commiſſion ſhould be appointed for the ſuperintendence of the enſuing ſettlements in that zillah, including

including the pergunnah of Puttaſpore and its dependencies, now included in the diſtrict of Midnapore; the following rules have been eſtabliſhed, to be in force from the period of their promulgation.

Parts of Sections V and VI, Regulation X, 1807, reſcinded.

II. Such parts of Sections V, and VI, Regulation X, 1807, and of the rules therein referred to, as direct that a ſettlement ſhall be made on the commencement of the enſuing Fuſſily year in the zillah of Cuttack for the period of four years, and that the jumma, which may be aſſeſſed on the lands in the laſt year of that ſettlement ſhall remain fixed in perpetuity, provided that the arrangements ſhall receive the approbation of the Honorable Court of Directors, are hereby reſcinded.

A ſettlement for one year to be made in Cuttack and in pergunnah Puttaſpore.

III. A ſettlement ſhall be made in the zillah of Cuttack and in the pergunnah of Puttaſpore, &c. for the period of one year, viz. the Umlee year 1216.

After the expiration of one year, a ſettlement to be made for three years and the aſſeſſment of the year 1219 to remain provisionally fixed for ever.

IV. On the expiration of the Umlee year 1216, a ſettlement ſhall be made in the ſaid zillah and places on the principle preſcribed in Sections V and VI, Regulation X, 1807, for the period of three years, and the aſſeſſment which may be fixed on the lands in the year 1219, ſhall remain fixed for ever, in caſe the zemindars ſhall now be willing to engage for the payment of the public revenue on thoſe terms in perpetuity, and the arrangement ſhall receive the ſanction of the Honorable Court of Directors.

A commiſſion conſtituted to ſuperintend the ſettlement of Cuttack and of pergunnah Puttaſpore.

V. A commiſſion ſhall be conſtituted, conſiſting of one or more members, (as the Governor General in Council may direct,) for the ſuperintendence of the enſuing ſettlements, and for the general control of the collector of Cuttack, and of the officer entruſted with the charge of the pergunnah of Puttaſpore and its dependencies, in the performance of their public duties.

The nature of the duties veſ-

VI. The commiſſioner or commiſſioners ſhall be veſted with

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all the duties, powers, and authority which have hitherto been exercised by the Board of Revenue in the district of Cuttack, and in the pergunnah of Puttaspore, and its dependencies.

ed in the commissioner.

VII. The commissioner or commissioners shall also be vested with all the duties, powers, and authority which the Board of Revenue have hitherto been empowered to exercise under Regulation IV, 1806, or any other existing regulation in the superintendence of the temple of Juggunnauth, and in the collection of the duties levied from pilgrims resorting to the temple.

The commissioner to exercise further duties contained in Regulation IV, 1806, respecting the temple of Juggunnauth.

VIII. The commissioner or commissioners are of course to reside, so long as this regulation may continue in force, in the zillah, or places to which the present rules apply; Provided however, that nothing shall prevent him or them from entering upon the discharge of his or their functions, on the period of the promulgation of this regulation, whether the commissioner or commissioners shall then have reached Cuttack or otherwise.

The commissioner's place of residence.

Exception.

IX. It being enacted in Section XXI, Regulation IV, 1806, that "the collector of the tax on pilgrims at Juggunnauth shall "be ex officio assistant to the magistrate of the zillah of Cuttack, "and shall be competent to exercise all the powers which either "are, or at any time may be vested in the assistant to the zillah "and city magistrates," and Sections XX and XXI, Regulation IX, 1807, having established certain restrictions on the exercise of the functions of magistrate by the assistants, it is hereby declared that those restrictions are not to be considered applicable to the assistant to the magistrate of Cuttack, residing at Juggunnauth. That assistant shall consequently be deemed empowered to exercise all the powers within the prescribed local limits, which are vested in the magistrates themselves by the general regulations; Provided nevertheless, that it shall be competent to the magistrate of Cuttack, to issue any special instructions which he may deem necessary to the assistant stationed at Juggunnauth, and to revise, amend,

Restrictions contained in Sections XX and XXI, Regulation IX, 1807, not applicable to the assistant to the magistrate of Cuttack residing at Juggunnauth.

Magistrate of Cuttack authorized to issue special instructions to the assistant at Jug-

gunnauth when circumſtances may require it.

amend, or reſcind any order or judgment paſſed by the aſſiſtant whenever the magiſtrate may be of opinion, that the circumſtances of the caſe require ſuch interpoſition of his controlling authority.

A. D. 1808. REGULATION VII.

A REGULATION *for completing the regiſters of lands, held free of aſſeſſment in the ceded and conquered provinces in the Doab, and on the left bank of the river Jumna, and in the territory ceded by his Highneſs the Peiſhwah to the Britiſh Government in Bundlecund.*—PASSED *by the Governor General in Council on the* 16*th September* 1808, *correſponding with the* 2*d Aſſin* 1215 *Bengal era; the* 12*th Aſſin* 1216 *Fuſſily; the* 2*d Aſſin* 1216 *Willaity; the* 11*th Aſſin* 1865 *Sumbut; and the* 24*th Rujub* 1223 *Higeree.*

Preamble.

WHEREAS it is enacted in Section XX, Regulation XXXI, and Section XX, Regulation XXXVI, 1803; and in Sections XXI and XXIV, Regulation VIII, 1805, that publications ſhall be iſſued requiring all perſons holding lands exempt from the payment of revenue to government to regiſter the ſame, on pain, in caſe of neglect to make ſuch regiſtry, of the lands being declared liable to the payment of revenue to government; And whereas it has been reported to the Governor General

General in Council, that the publications abovementioned, have not in many inſtances been iſſued according to the preſcribed forms, the following rules have been enacted, to be in force from the time of their promulgation in the ceded and conquered provinces in the Doab, and on the left bank of the river Jumna, and in the territory ceded by his Highneſs the Peiſhwah to the Britiſh Government in Bundlecund.

Collectors to iſſue publications contained in Regulations XXXI and XXXVI, 1803, and in Regulation VIII, 1805.

II. On receipt of this regulation the collectors are required to iſſue the publications directed in Section XX, Regulation XXXI; Section XX, Regulation XXXVI, 1803, and in Section, XXI and XXIV, Regulation VIII, 1805, in the form therein preſcribed, requiring all perſons holding lands exempt from the payment of revenue to government, to regiſter ſuch lands within the period of one year from the date of the publications.

Lands held free of aſſeſſment if omitted to be regiſtered within one year, declared liable to the payment of revenue.

III. After the term of one year from the date of the publications directed to be iſſued in the preceding ſection, any lands held free of aſſeſſment which may have been omitted to be regiſtered, are hereby declared liable to the payment of revenue to government.

A. D. 1808. REGULATION VIII.

A REGULATION *for the more exemplary puniſhment of robbery by open violence; and for modifying the rules in force, reſpecting trials referred to the court of Nizamut Adawlut.*—PASSED *by the Governor General in Council, on the* 19*th of September* 1808; *correſponding with the* 5*th Aſſin* 1215 *Bengal era; the* 15*th Aſſin* 1216 *Fuſſily; the* 5*th Aſſin* 1216 *Willaity; the* 14*th Aſſin* 1865 *Sumbut; and the* 27*th Rajub* 1223 *Higeree.*

Preamble.

UNDER the proviſions made by Clauſes Second and Third, of Section IV, Regulation LIII, 1803, for the puniſhment of robbery by open violence, when not accompanied with murder, "all perſons convicted of being the heads or leaders of "a gang of robbers, by whom any perſon may have been wound-"ed, maimed, burnt, or ſubjected to other perſonal injury, tor-"ture, or cruelty not occaſioning homicide, or by whom a dwel-"ling houſe, or houſes, may have been ſet on fire, or any other "criminal and aggravating act committed, in the proſecution of a "robbery or intent to rob, as well as perſons convicted of having "been actively concerned in any of the acts aforeſaid, done in

"proſecution

" profecution of a robbery, or intent to rob; or of having been pre-
" ſent, aiding and abetting, when any ſuch acts were committed;
" or though not preſent, of having procured or cauſed by hire,
" counſel, or command, the perpetration of any ſuch acts in pur-
" ſuance of a preconcerted plan to commit the ſame, or to com-
" mit robbery," are declared liable to a ſentence of impriſonment and tranſportation for life. But if the robbery be not accompanied with perſonal injury, or other act of aggravation as above ſpecified, the judgment, on conviction, is limited to impriſonment and hard labour for the period of fourteen years; with a diſcretion veſted in the court of Nizamut Adawlut, to extend the ſentence to impriſonment and tranſportation for life, upon any leaders of gangs, or other offenders, convicted of a repetition of the crime, or without ſuch repetition, if, from proof of the notorious bad character of the party convicted, or, on conſideration of any other circumſtance appearing upon the trial to aggravate the guilt of any particular priſoner, and evince the danger of his future depredations, if ſet at liberty, it ſhall, in the judgment of that court, be juſt and neceſſary to inflict more ſevere puniſhment than impriſonment and labour for the term of fourteen years. The courts of circuit being at the ſame time authorized to paſs ſentence in all caſes of conviction, with the concurrence of their law officers, when the ſentence might not be for perpetual impriſonment, without reference to the Nizamut Adawlut, that court has ſeldom been enabled to exerciſe the diſcretionary power above ſtated, and in conſequence many perſons convicted of robbery, of whoſe amendment no hope can be entertained from their confirmed habits and principles, are ſet at liberty at the expiration of a limited period, to join their former aſſociates, and renew their depredations. It is therefore expedient and neceſſary, that all caſes of conviction, of the daring and atrocious crime of robbery by open violence, as defined in Clauſe Firſt, of Section III, Regulation LIII, 1803, ſhould be brought before the court of Nizamut Adawlut; and that this court ſhould be empowered to paſs ſentence of impriſonment and tranſportation for life, when

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the offender may appear duly convicted, and may not be liable to ſuffer death. To admit however of the numerous trials for robbery, which in ſuch caſe muſt be referred to the Nizamut Adawlut, being heard and determined with the requiſite diſpatch, and without impeding the deciſion of civil cauſes by the Sudder Dewanny Adawlut; it is neceſſary that proviſion ſhould be made for authorizing any one of the law officers of the Nizamut Adawlut to write the futwa upon trials referred to that court, when it may correſpond with the futwa of the law officers of the court of circuit before whom the trial has been held, and alſo to allow any one of the judges of the court of Nizamut Adawlut to paſs ſentence, under the regulations in force, when his judgment on the caſe may confirm that of the judge of circuit. For theſe purpoſes, the Governor General in Council has paſſed the following regulation; to be in force, as ſoon as promulgated, throughout the whole of the provinces immediately ſubject to the Preſidency of Fort William.

Clauſe Third, Section IV, Regulation LIII, 1803, reſcinded.

In what caſes and for what period, its proviſions to be ſtill conſidered in force.

II. Clauſe Third, Section IV, Regulation LIII, 1803, is hereby reſcinded. But the proviſions contained in it, ſhall be conſidered in force with reſpect to perſons convicted of the crime therein ſpecified, if committed before the promulgation of this regulation, and the court of circuit ſhall paſs ſentence accordingly in ſuch caſes, without reference to the Nizamut Adawlut, unleſs the priſoner or priſoners appear deſerving of impriſonment for life, in which caſe the trial ſhall be referred to that court.

All perſons convicted of being concerned in robbery by open violence, and who are not liable to ſuffer death under the regulations in force, to be ſentenced to thirty-nine laſhes, and impriſonment for life.

III. All perſons convicted of being concerned, as principals or accomplices, ſubſequently to the promulgation of this regulation, in the crime of robbery by open violence, as defined in Section III, Regulation LIII, 1803, and who may not under the regulations in force, be liable to a ſentence of death, ſhall be adjudged by the courts of circuit and by the court of Nizamut Adawlut to receive thirty-nine laſhes with a corah, and to be impriſoned and tranſported for life; unleſs from any extenuating

circumſtances

In what cafes the Nizamut Adawlut may mitigate this ſentence.

circumſtances appearing on the trial, the ſtated puniſhment ſhall appear too ſevere; in which caſe, the court of Nizamut Adawlut is authorized to mitigate the ſentence, as in other caſes left to the diſcretion of that court, by Clauſe Fifth of Section IV, Regulation LIII, 1803; or to act in purſuance of Clauſe Sixth of that ſection, if the priſoner appear a proper object of mercy and pardon.

The courts of circuit on the conviction of perſons concerned in robbery by open violence, after paſſing the ſentence above-mentioned, to refer the trial for the final ſentence of the Nizamut Adawlut.

IV. The courts of circuit ſhall refer to the court of Nizamut Adawlut in the manner preſcribed by the exiſting regulations, the trials of all priſoners convicted of the crime of robbery by open violence, and liable to the puniſhment declared in the preceding ſection. The judge of circuit, before whom the trial may be held, ſhall, in all caſes, paſs ſentence for the ſtated puniſhment, if the priſoner appear to him, and to the law officer of the court of circuit to be duly convicted; whether by his free and voluntary confeſſion, or by the teſtimony of credible witneſſes, or by ſtrong circumſtantial evidence. But ſuch ſentence ſhall not be deemed final nor ſhall any warrant be iſſued for carrying the ſame into execution until it be confirmed by the court of Nizamut Adawlut. And if the judge of circuit be of opinion that there are grounds for a mitigation or remiſſion of puniſhment, he ſhall ſtate the ſame in his letter, to accompany the trial, as required by Clauſe Third, of Section VI, Regulation LIII, 1803.

To report grounds of mitigation, ſhould any appear.

Such parts of the regulations as direct that no ſentence of the Nizamut Adawlut ſhould be paſſed without the preſence of two judges, reſcinded.

V. Such part of the exiſting regulations as directs that two judges of the court of Nizamut Adawlut ſhall be neceſſary to hold a court, and that no ſentence or final order of the court ſhall be valid unleſs paſſed by two judges preſent, is hereby reſcinded.

Two judges to ſit, as before, as far it may be practicable, but on an encreaſe of the trials before the court, the judges to hold ſeparate

VI. The ſittings of the court of Nizamut Adawlut ſhall be held before two or more judges, as heretofore, whenever the number of trials and other buſineſs depending before the court may admit of it. But whenever the number of depending tri-

als may render it neceſſary for their ſpeedy determination, that the judges ſhould hold ſeparate ſittings, it ſhall be competent to any one judge to hold a ſitting of the court, and to paſs orders or ſentence upon any trial under reference to it, in conformity with the regulations; provided, that if the ſingle judge ſo ſitting ſhall not concur with the judge of circuit before whom the trial may have been held, with reſpect to the conviction of the priſoner, he ſhall not paſs ſentence, until one or more of the other judges of the court of Nizamut Adawlut can ſit with him upon the trial.

ſittings, and a ſingle judge to paſs ſentence.

In what caſes the ſingle judge is to poſtpone paſſing ſentence, until one or more of the other judges can ſit with him.

VII. The Mahomedan law officers of the court of Nizamut Adawlut ſhall continue to deliver their joint futwa upon the trials referred to that court, as far as may be practicable. But whenever from the number of trials in reference, it may be requiſite for their ſpeedy deciſion, that they ſhould be divided amongſt the law officers for reviſion, it ſhall be competent to any one of the law officers to deliver a futwa thereupon. Provided, that if any one of the law officers of the Nizamut Adawlut, on reviſing the proceedings held upon the trial, ſhall not concur with the law officer of the court of circuit before whom the trial may have been held, as to the conviction of the priſoner, he ſhall not write the futwa, until one or more of the other law officers of the Nizamut Adawlut can deliver the ſame in concert with him, after peruſal of the proceedings.

The Mahomedan law officers of the court to deliver a joint futwa as before, when practicable; but on an increaſe in the number of trials, any one of them to deliver a futwa.

In what caſes a ſingle law officer is not to deliver a futwa, until one or more of the others can do ſo in concert with him.

VIII. The rule contained in Clauſe Fifth of Section VII, Regulation LIII, 1803, whereby in caſes not incurring capital puniſhment, the judges of the Nizamut Adawlut are declared competent to confirm, without reviſing the whole of the proceedings held on the trial, a ſentence paſſed by the judge of circuit, in conformity with the futwa of his law officer, when the futwa of the law officers of the Nizamut Adawlut ſhall confirm the conviction of the priſoner, and the court ſhall be ſatisfied that the ſentence paſſed by the judge of circuit

The rule contained in Clauſe Fifth, Section VII, Regulation LIII, 1803, whereby, in certain caſes, the Nizamut Adawlut may confirm the ſentence of the judge of circuit, without reviſing the proceedings to be applicable to all ſentences paſſed under this regulation.

circuit is conformable to the regulations, shall be considered applicable to all sentences passed by the judges of the court of circuit, in conformity with the futwas of their law officers, and confirmed by the futwas of the law officers of the Nizamut Adawlut, under the provisions of this regulation. It is hereby further declared, that if the judge of circuit, before whom the trial has been held be of opinion that the prisoner is duly convicted, and the futwa of his law officer, as well as the futwa of the law officer or officers of the Nizamut Adawlut, confirm such conviction, it shall be competent to two or more judges of the court of Nizamut Adawlut, on consideration of such part of the proceedings held upon the trial, as they may deem necessary to revise, to confirm the sentence passed by the court of circuit in conformity with the regulations; although the judge of circuit may recommend a mitigation of the prescribed punishment, if on consideration of the reason stated by the judge of circuit, the court of Nizamut Adawlut shall be of opinion, that there are not sufficient grounds for the proposed mitigation; or to mitigate sentence, as recommended by the judge of circuit, if from his statement of the case, there appear to be sufficient grounds for so doing.

When in such cases, the judge of circuit may recommend a mitigation of punishment, two judges of the Nizamut Adawlut without reviving the proceedings, may confirm or reject that mitigation, as there shall appear grounds for so doing.

IX. Persons convicted of going forth with a gang of robbers, for the purpose of committing robbery, but apprehended before they have committed such robbery, or made any violent attempt for the purpose, and adjudged to suffer temporary imprisonment under Clause Fourth of Section IV, Regulation LIII, 1803, shall previously to their release from confinement be required to give substantial security for their future good conduct. In such cases, as well as in all instances, wherein persons required to give security under Clause Sixth of Section II, Regulation LIII, 1803, or any other provision in the regulations, may be notorious robbers (dukyets) whom it would be dangerous to set at liberty without substantial security for their future good conduct, the prisoner shall not be released until such security be given, to

Persons sentenced to temporary imprisonment under Clause Fourth Section IV, Regulation LIII, 1803, for going out with an intent to commit gang robbery, to give good security previously to their release. Persons from whom security is required by Clause Sixth Section II, Regulation LIII, 1803, or any other Regulations in the event of their being notorious robbers, not to be released without substantial security.

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the ſatisfaction of the court of circuit, upon the report of the magiſtrate, unleſs from the priſoner's behaviour during his confinement, or other circumſtance there appear to be ſufficient ground of aſſurance to warrant his diſcharge on a mochulka, under the proviſion made for that purpoſe by Section XI, Regulation LIII, 1803.

Except in particular caſes, when they may be diſcharged on a mochulka.

X. A proclamation, containing the ſubſtance of the penalties, declared by this regulation, and by the other regulations in force for the puniſhment of robbery by open violence, ſhall be immediately prepared, by order of the court of Nizamut Adawlut, in the Hindooſtanee language; and a ſufficient number of printed copies thereof ſhall be tranſmitted without delay to the magiſtrates of the ſeveral zillahs and cities to enable them to publiſh the ſame at the ſeveral police ſtations within their reſpective juriſdictions. On receipt of ſuch copies, the magiſtrates ſhall cauſe them to be publickly read and publiſhed at the ſeveral police ſtations within their juriſdictions, and ſhall alſo cauſe the contents thereof to be proclaimed by beat of drum, throughout every town and conſiderable village, for general information.

A proclamation noting the penalties denounced by this and other regulations, againſt robbery by open violence, to be printed and publiſhed.

How and when to be proclaimed by the magiſtrates of the zillahs and cities.

A. D. 1808. REGULATION IX.

A REGULATION *for the apprehenſion of perſons concerned in the offence of gang robbery, and eſpecially the ſirdars or leaders of gangs of dacoits.*—PASSED *by the Governor General in Council on the 4th November* 1808, *correſponding with the* 20*th Kautick* 1215 *Bengal era, the* 1*ſt Aughun* 1216 *Fuſſily; the* 20*th Kautick* 1216 *Willaity, the* 1*ſt Aughun* 1865 *Sumbut; and the* 14*th Ramzaan* 1223 *Higeree.*

Preamble.

REGULATIONS have from time to time been enacted for the apprehenſion and puniſhment of perſons concerned in the commiſſion of dacoity or gang robbery; a crime, which has prevailed for a very long period in ſeveral of the diſtricts within the province of Bengal The continued prevalence however of that atrocious offence in ſome of the diſtricts, and the importance of ſuppreſſing a crime ſo injurious to the peace and happineſs of the community, render it neceſſary that further proviſions ſhould be adopted to facilitate the apprehenſion of the ſirdar dacoits, to whoſe influence and aſcendancy over their reſpective gangs and accomplices, the exiſtence of this ſerious crime is chiefly to be aſcribed, and alſo to facilitate the apprehenſion of other perſons concerned in the commiſſion of ſuch offences. With this view it

is essential to call forth the active exertions of all persons possessing by their situation the means of aiding in the apprehension of offenders of that description. To promote the attainment of so important an object, it has been deemed advisable on the one hand to establish personal security and indemnity, together with suitable rewards for such persons, as may afford active assistance in bringing offenders of the above description to punishment; and on the other, to prescribe adequate pains and penalties for such persons as possessing the means of affording assistance towards the prevention of a crime so injurious to the peace and happiness of society, shall neglect to employ them to that end: the following regulation has in consequence been passed by the Governor General in Council, to be in force from the period of its promulgation, throughout the territories immediately dependant on the Presidency of Fort William.

Magistrate to report to the Nizamut Adawlut, in cases, in which he may think the ordinary process for apprehending offenders, would be ineffectual, stating the amount of the reward, he would recommend to be offered for their apprehension.

II. Whenever the magistrate of a zillah or city shall have certain information, that any person residing in or resorting to any place or places within the limits of his jurisdiction, has been actually concerned in the commission of the offence of dacoity or gang robbery, or that the notoriety of any such person having been guilty of or concerned in the commission of such offences, is sufficiently established to render his apprehension essential to the peace and tranquillity of the district, and the magistrate shall be of opinion that the ordinary process prescribed for the apprehension of public offenders would be ineffectual, he shall report the circumstances of the case to the Nizamut Adawlut, with his opinion and the grounds thereof; stating at the same time the amount of the reward which he would recommend to be offered for the apprehension of the person in question.

Nizamut Adawlut empowered to authorize the offer of reward in such cases as they may deem proper, but not exceeding 500 Rupees without

III. On the receipt of the magistrate's report, the Nizamut Adawlut will determine whether the degree of notoriety and the dangerous character of the person accused, or the aggravated nature of the offence alleged against him be such as to warrant the measures

meaſures herein preſcribed for his apprehenſion, and for his puniſhment in caſe of contumacy. In ſuch caſe, the Nizamut Adawlut is hereby empowered to authorize the offer of ſuch reward as they may deem adequate for the apprehenſion of the perſon accuſed, not exceeding however in any one inſtance, the ſum of Rupees 500, without the ſpecial authority of the Governor General in Council. The Nizamut Adawlut ſhall at the ſame time direct the magiſtrate to iſſue a proclamation, to be affixed at his own cutcherry, and at the ſeveral police thannahs within his juriſdiction; and to be publiſhed by beat of drum at the towns in which they are ſituated.

the previous ſanction of Government.

Nizamut Adawlut to direct the magiſtrate to iſſue a proclamation in ſuch caſes.

" Whereas ——— ſuppoſed to be an inhabitant of ——— ———, about ——— years of age, (here deſcribe his perſon if it be known) by profeſſion a ——— (or as many of theſe particulars as can be aſcertained) ſtands accuſed before the magiſtrate of ———, of (here ſpecify the offence). It is therefore hereby proclaimed, by the ſpecial orders of the Court of Nizamut Adawlut, that the ſaid ———, is required and commanded to appear before the magiſtrate at the cutcherry of this zillah (or city), to anſwer to the matter alleged againſt him, within the period of two months from the date hereof; in default of which, the ſaid ———, will be deemed guilty of the crime of which he ſtands accuſed, and will in conſequence be liable to be impriſoned and tranſported for life. It is alſo hereby proclaimed, that all perſons whoſoever are authorized and required to apprehend the ſaid ———, wherever he may be found: and any perſon or perſons who ſhall, under the authority hereby given, apprehend the ſaid ———, and ſhall deliver him in ſafe cuſtody, to the magiſtrate of this zillah (or city) or to any police darogah within the juriſdiction of this court, ſhall be entitled to receive the reward of rupees —— from government. It is alſo hereby notified, that any perſon aiding or harbouring the ſaid ———, will be perſonally ſubject on conviction

Form of proclamation.

tion to fine, imprisonment, and confiscation of property, under the provisions of Regulation IX. 1808."

SEAL of the Court.

"Foujedarry Adawlut, the 180 , corresponding with the (æra current in the zillah or city)."

(*Signature of the magistrate.*)

The magistrate to transmit copies of such proclamation to the adjacent magistrates for publication throughout their respective jurisdictions.

IV. The magistrate shall transmit copies of the proclamation issued by him, under the foregoing section, to the magistrates of any of the adjacent zillahs or cities, in which he may consider it probable that the proclaimed person may have concealed himself, that the same may be published throughout their respective jurisdictions.

Magistrate how to proceed against persons appearing or apprehended within the period limited in the proclamation.

V. Should the person proclaimed, under this regulation, appear before the magistrate, or be apprehended within the period limited in the proclamation, the magistrate shall proceed against him as prescribed by the regulations already in force.

How persons appearing or apprehended after the expiration of such period, are to be proceeded against.

VI. If the proclaimed person shall appear, or be apprehended, at any period after the expiration of the time limited, he shall be proceeded against in the following manner.

How the magistrate is to proceed.

VII. The magistrate shall take such evidence, and hold such proceedings as he may judge necessary, for the purpose of identifying the person of the prisoner; and having established his identity, shall afford to the prisoner an opportunity of offering any plea which he may deem proper, why the sentence specified in the proclamation, directed in Section III, should not be pronounced against him, without trial; recording the names of any witnesses mentioned by the prisoner in support of his allegations. The magistrate shall then commit the prisoner to jail, and shall cause the witnesses named by him for the above purpose, as well as the persons necessary to prove the identity of the prisoner, the due publication of the proclamation prescribed by Section III,

with

with the return made to it; and the time and manner of the prisoner's apprehension, to be in attendance along with the prisoner, at the next ensuing sessions of the court of circuit; and shall at the same time lay before the court the whole of his proceedings in the case.

How the court of circuit is to proceed.

VIII. On the prisoner's being brought before the court of circuit at such ensuing session, the judge of the court, before whom it may be holden, shall again afford to the prisoner an opportunity of urging his reasons why the sentence prescribed by this regulation should not be pronounced against him without trial. The judge shall also examine the witnesses who may be in attendance, under the directions contained in the preceding clause, and whose evidence may be deemed necessary to establish the identity of the prisoner; the due publication of the proclamation, with the return made to it; and the time and manner of the prisoner's apprehension. Should the judge be satisfied, from the proceedings held by him, that the prisoner has not incurred the penalties prescribed by this regulation, he shall suspend passing any sentence on the prisoner. On the contrary, if the judge should be satisfied of the identity of the prisoner, and of his contumacy in not appearing before the magistrate within the prescribed period, he shall adjudge the prisoner to be imprisoned and transported for life, forwarding the whole of the proceedings, in either case, to the Nizamut Adawlut, who will pass such sentence or orders thereupon, (in conformity with this regulation) as the circumstances of the case shall appear to warrant.

Nizamut Adawlut may mitigate the sentence in such cases.

IX. Nothing herein contained shall preclude the Nizamut Adawlut from mitigating the sentence passed on a prisoner, under this regulation, whenever that court shall see sufficient ground for so doing.

Conviction under this regulation not to exempt a prisoner

X. A conviction under the above provisions, shall not exempt a prisoner so convicted, from being brought to trial on any specific

from trial in other courts.

ſpecific charge of any other crime or offence the nature of which may be ſuch as to render him liable to an equal or greater puniſhment under the regulations. Whenever a charge of this nature ſhall be preferred againſt a priſoner ſo convicted, whether before or ſubſequently to his being apprehended, or ſhall ariſe from any proceeding held againſt him, and there ſhall appear to the magiſtrate ſufficient grounds for ſo doing, he ſhall bring the priſoner to trial on ſuch charge, before the court of circuit under the eſtabliſhed rules, as ſoon as may be practicable after the priſoner's ſurrender, or apprehenſion. The court of circuit or Nizamut Adawlut may alſo reſpectively direct, that the priſoner be brought to trial on any ſpecific charge not being that for which he has been proclaimed, ſhould either of thoſe courts ſee grounds for doing ſo, from the proceedings before them.

All perſons required to afford aſſiſtance in the apprehenſion of ſuch offenders, and perſons wounding or ſlaying ſuch proclaimed offenders to be deemed guiltleſs.

XI. It being the duty of all claſſes of the community to aid in the apprehenſion of perſons charged with the commiſſion of public crimes and offences, all zemindars, talookdars, and other proprietors of lands, whether malgoozarry or lakheraje; all ſudder farmers and renters of land of every deſcription; all dependant talookdars; all naibs and other local agents; all native officers employed in the collection of the revenues and rents of lands on the part of government, or of the court of wards; and generally, all perſons of whatever deſcription, are hereby required to afford every practicable aſſiſtance in the apprehenſion of ſuch offenders, particularly of the notorious criminals deſcribed in this regulation, both during the period ſpecified in the proclamation, and ſubſequently to that period, ſhould they ſtill have evaded the purſuits of juſtice. It is hereby at the ſame time declared, that if any perſon in his endeavours to apprehend a proclaimed offender for whoſe apprehenſion a reward has been offered, ſhould wound or ſlay him in conſequence of his ſtanding on his defence or flying, the perſon ſo wounding or ſlaying the criminal, ſhall be deemed entirely guiltleſs with reſpect to that act; in like manner as any perſon purſuing a robber or murderer immediately after the commiſſion

miſſion of the crime, or reſiſting him during his attempts to perpetrate the offence, is held guiltleſs if he wound or ſlay the criminal in endeavouring to apprehend him.

All landholders and their officers, or the native revenue officers of Government accountable for early and punctual communication of intelligences reſpecting ſuch proclaimed offenders, and magiſtrates not to divulge ſecret intelligence.

XII. All zemindars, talookdars and other proprietors of lands, whether malgoozarry or lakheraj; all ſudder farmers and under-renters of land of every deſcription; all dependant talookdars; all naibs and other local agents; all native officers employed in the collection of the revenues and rents of lands on the part of government, or of the court of wards; are hereby declared (in addition to the reſponſibility attaching to them by the exiſting regulations with reſpect to robberies in general) eſpecially accountable for the early and punctual communication to the magiſtrates and police darogahs either publickly or ſecretly, as the informant may judge proper, of all intelligence which they may obtain reſpecting the reſort of any proclaimed dacoit to any place within the limits of the ſtate or farm, held or managed by them; and the magiſtrates are hereby ſtrictly enjoined not to divulge any ſecret information communicated to them on this ſubject, which may eventually affect the perſonal ſecurity of the informant.

Perſons of the deſcription abovementioned, how to be dealt with for neglect of giving due information.

XIII. If a magiſtrate ſhall have grounds to believe that any perſon of the deſcription of thoſe ſpecified in the preceding ſection ſhall have neglected to give due information to the magiſtrate or the police darogah, of the reſort of any proclaimed dacoit to any place within the limits of the ſtate or farm, held or managed by ſuch perſon, the magiſtrate ſhall call upon him to anſwer to the charge; and if it ſhall appear upon a full and impartial enquiry, that the perſon accuſed, has been actually guilty of the neglect aſcribed to him; the magiſtrate ſhall ſentence the offender to pay ſuch a fine to government, and to ſuffer impriſonment for ſuch a period of time as he may deem proportioned to the offence, not exceeding however, the limitation preſcribed by Section XIX, Regulation IX, 1807, viz. Impriſonment for ſix months, and a fine of rupees 200 commutable, if not paid, to impriſonment for a further period not exceeding ſix months longer.

XIV.

How ſuch perſons are to be dealt with, in caſes of harbouring or aſſiſting proclaimed dacoits.

XIV. If a magiſtrate ſhall have grounds to ſuſpect that any perſon of the deſcription of thoſe mentioned in the preceding ſections, has afforded any actual aſſiſtance in harbouring a proclaimed dacoit, ſubſequently to the promulgation of the proclamation, that is, if ſuch perſon ſhall be ſuſpected of having afforded to the ſaid dacoit lodging, money, grain, or other ſupplies, or that he has committed any other overt act, tending to aid the offender in his depredations, upon the community, or to evade the purſuits of juſtice; or that he has received any preſent or nuzzer, either in money or goods from the ſaid offender, the magiſtrate ſhall call upon the perſon ſuſpected of having ſo offended for his reply; and if it ſhall appear upon a full and impartial enquiry, that he has been actually guilty of the ſerious offence aſcribed to him, the magiſtrate, in addition to the puniſhment mentioned in the preceding ſection, ſhall adjudge the eſtate or farm, held by him (ſuppoſing him to be a ſudder zemindar, talookdar or farmer) forfeited to government. Provided, however, that previouſly to carrying the judgment of forfeiture into execution, the magiſtrate ſhall ſubmit his proceedings on the ſubject, to the Court of the Nizamut Adawlut, who will confirm or annul the judgment ſo paſſed, according as they may be of opinion, that the charge has been duly eſtabliſhed or otherwiſe; provided, moreover, that in the event of their confirming the judgment, the Nizamut Adawlut ſhall report the caſe to the Governor General in Council, at the ſame time ſtating their opinion, whether the forfeiture ſhould be enforced or remitted, or commuted to a fine.

How perſons not being proprietors or ſudder farmers of land, are to be dealt with in ſuch caſes.

XV. Should the perſon convicted of the offence mentioned in the preceding ſection, not be a proprietor or ſudder farmer of land, the magiſtrate ſhall ſentence him, in addition to the puniſhment noticed in Section XIII of this regulation, to ſuch further fine and impriſonment as he may deem proportioned to his offence; but previouſly to carrying ſuch further judgment into effect, the magiſtrate ſhall ſubmit his proceedings to the Nizamut Adawlut, who will finally confirm, amend, or reſcind the deciſion, as may

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appear to them to be just and proper. Should the person so offending be also an officer of government, the Nizamut Adawlut will at the same time take into their consideration whether he should not be dismissed from his office; and if so, will adopt the necessary measures for that purpose, under the provisions of the general regulations.

Register of proclaimed offenders to be kept by the magistrate.

XVI. A separate register shall be kept by the magistrates of all sirdar dacoits or other persons proclaimed under the present regulation, according to the following form:

Date of proclamation.	Name of the person proclaimed.	Date of apprehension, surrender, or ascertained death.	Sentence by the Court of Circuit.	Final sentence of the Nizamut Adawlut.	Date of final sentence.

Copies of such registers to be transmitted monthly to the Nizamut Adawlut, and transcript to be hung up in the cutcherry of the magistrate.

XVII. A copy of the foregoing register shall be transmitted, duly revised on the 1st of each month to the court of Nizamut Adawlut. A transcript of it shall likewise be at all times suspended in the cutcherry of the magistrate, in order that the public may be fully apprised of the names of proclaimed dacoits; whether the period limited in the proclamation for their surrender be past or yet unexpired.

A. D. 1808. REGULATION X.

A REGULATION *for the appointment of a superintendent of police; and for defining his jurisdiction and authority.*—PASSED *by the Governor General in Council, on the* 28*th November* 1808, *corresponding with the* 15*th Aughun* 1215 *Bengal era; the* 25*th Aughun* 1216 *Fusly; the* 15*th Aughun* 1216 *Willaity; the* 11*th Aughun* 1865 *Sumbut; and the* 9*th Showaul* 1223 *Higeree.*

Preamble.

UNDER the system of police established in the provinces subject to the presidency of Fort William, the zillah and city magistrates, with the police officers and other persons acting under them respectively, have exclusive authority, in all matters of police, within their several jurisdictions; except in particular cases, wherein a concurrent authority is specially sanctioned; and with a local exception to the 24 Pergunnahs, and parts of the adjacent districts in the vicinity of Calcutta, in which the justices of the peace for that city have been vested with the powers of magistrates as stated in the preamble to Regulation VII, 1806. It is however consistent with the practice of other governments, that judicious and well concerted measures should occasionally be adopted from the capital, in addition to the local administration of the police, for the apprehension of public offenders; and for the maintenance

tenance of general order and tranquillity throughout the country. By concentrating information obtainable from different parts of the country, in a particular office at the presidency, a successful plan of operations may be devised and executed when the efforts of the local police officers would be unavailing. Information and measures conducive to the discovery and seizure of the gangs of decoits, which, still continue to infest many of the zillahs in the province of Bengal, may especially be promoted by the appointment of a superintendent of the police. A power, vested in this officer, to act in concert with the zillah and city magistrates, or independently of them, as circumstances shall direct, may also be usefully employed in the detection and apprehension of persons charged with or suspected of other public offences; and to promote this object, it is expedient, that he should be one of the justices of the peace for the presidency. The Governor General in Council has accordingly enacted the following Regulation, to be in force, as soon as promulgated.

A covenanted servant of the Company to be appointed justice of the peace for the city of Calcutta, magistrate of the 24 Purgunnahs, and superintendent of police.

II. In addition to the persons holding the joint offices of justices of the peace for the city of Calcutta, and magistrates of the 24 Purgunnahs, but whose functions are, for the most part, confined to the city and its suburbs, a covenanted servant of the Company shall be appointed to the offices of justice of the peace for the city of Calcutta; magistrate of the 24 Purgunnahs; and superintendent of police.

To be guided by the laws in force, in executing duties of a justice of the peace.

III. As justice of the peace, he will of course be guided by the laws in force for the execution of the duties of that office.

To perform the duties of the magistrate of the 24-Purgunnahs, with aid of assistants, in conformity to the regulations.

IV. As magistrate of the 24 Purgunnahs, he shall, with the aid of two assistants, perform the duties of that office, in conformity with the Regulations in force for the guidance of the zillah magistrates.

Jurisdiction of superintendent of police.

V. In his capacity of superintendent of police, he shall posses

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a concurrent jurisdiction with the several zillah and city magistrates in the divisions of Calcutta, Dacca and Moorshedabad.

VI. The superintendent of police is empowered to execute his warrants, and other process, in the form prescribed by the Regulations, either by means of his own officers; or through the local authorities, as he may judge proper. The several zillah and city magistrates, and all persons acting under them, are required to aid and support the officers of the superintendent of police in the execution of any warrant or other process issued by him, under his seal and signature, and resistance to any process so issued is hereby declared to be punishable, in like manner as provided by the regulations for resistance to the process of a zillah or city magistrate.

Process of superintendent of police may be executed by his own officers, or through local authorities.

Magistrates and all persons under them, required to aid and support the superintendent's officers in execution of process issued by him.

Resistance to such process how punishable.

VII. The superintendent of police is authorized to correspond either publickly, or secretly with the officers of government in every department, upon subjects connected with the discharge of the duty committed to him: and all public officers are directed to furnish the superintendent with any information they may possess upon such subjects; as well as generally to co-operate with him and to afford every assistance in their power to enable him to accomplish the objects of his appointment.

Superintendent of police authorized to correspond with officers of government in every department.

All public officers to furnish him with any information they may possess.

And generally to co-operate with and assist him in accomplishing the objects of his appointment.

VIII. The superintendent of police shall communicate immediately with the Governor General in Council, through the secretary in the judicial department, upon all matters connected with his office; and shall act under such instructions as may, from time to time, be transmitted for his guidance by the order of government.

Superintendent to communicate with Governor General in Council, through secretary in the judicial department.

And to act under instructions of government.

IX. The superintendent of police shall also be considered under the general authority of the court of Nizamut Adawlut; in all matters relative to the police; and upon any point not expressly provided for by the regulations, or by the orders of government, shall be guided by the instructions of that court.

Superintendent to be also under general authority of the Nizamut Adawlut, in matters of police.

And to be guided by instructions of that court on points not

provided for by the regulations or orders of government.

Section XXVII, Regulation II, 1802, reſcinded.

X. Section XXVII, Regulation II, 1802, relative to the commiſſion payable to the magiſtrates of Calcutta and of the 24 Pergunnahs, is hereby reſcinded.

A. D. 1808. REGULATION XI.

A REGULATION *for the adjuſtment of the rent payable by the heirs of invalid jaggeerdars*—PASSED *by the Governor General in Council, on the 28th November* 1808; *correſponding with the 15th Aughun* 1215 *Bengal era; the 25th Aughun* 1216 *Fuſſily; the 15th Aughun* 1216 *Willaity; the 11th Aughun* 1865 *Sumbut; and the 9th Showaul* 1223 *Higeree.*

Preamble.

IN Clauſe Sixth, Section V, Regulation XLIII, 1793, it was enacted with reſpect to the rents payable by the heirs of invalid jaggeerdars, "that after the expiration of the period of five "years, the payment of one-tenth as malikoutah preſcribed in the "Fourth Article, ſhall ceaſe, and the collector ſhall aſſeſs the "lands with a neat rent equal to two-thirds of the rent paid for "other lands in the diſtrict of the ſame deſcription and quality." In Clauſe Sixth, Section IX, Regulation I, 1804, it was enacted, that "after the expiration of the period of five years, the pay-"ment of malikonah ſhall ceaſe, and the proprietor of the land "ſhall be entitled to rent in the proportion of two-fifths of the "annual produce, whether in kind or money as may be agreed "on between the parties concerned in the adjuſtment." The latter proviſion was not intended to encreaſe the rate of rent payable

able by the heirs of invalids to the zemindars, for which indeed no motive could exiſt, the lands in queſtion not being included in the aſſets on which the jumma payable by the zemindars to government had been adjuſted. The modification in queſtion, was adopted on the ſuppoſition, that a difficulty might occur in aſcertaining the ſum which would be "equal to two-thirds of the "amount paid for other lands, in the diſtrict of the ſame deſcrip-"tion and quality;" and alſo on the ſuppoſition, that the application of the more definite rule contained in Clauſe Sixth, Section IX, Regulation I, 1804, would afford nearly the ſame reſult as the former proviſion, but which, from information ſince ſubmitted to government, the Governor General in Council has reaſon to believe, is not always the caſe. The following rules have accordingly been enacted, to be in force from the time of their promulgation in all the diſtricts in which invalid tannahs have been or may be eſtabliſhed.

Collectors to adjuſt the rent payable by the heirs of invalids, under the control of the Board of Revenue.

II. On the expiration of the periods ſpecified in Clauſe Sixth, Section IX, Regulation I, 1804, it ſhall be the duty of the collectors of the diſtricts, in which invalid tannahs are ſituated, to adjuſt the rent payable by the heirs of invalids, on account of the jaggeers held by them to the zemindars, under the ſuperviſion and control of the Board of Revenue.

Rules for the guidance of the collectors in making ſuch adjuſtment.

III. In making ſuch adjuſtment, the collectors ſhall be guided as nearly as poſſible by the ſpirit of the proviſions noticed in the preamble to this regulation, that is, the zemindars ſhall be entitled to receive a neat rent equal to two-thirds of the amount paid for other lands, in the diſtrict of the ſame deſcription and quality, according to the beſt information which the collectors may be able to obtain on that point, and the adjuſtment ſo made, ſhall be conſidered binding between the zemindars and the above deſcription of tenants, ſo long as the lands ſhall be occupied by the latter.

Courts of juſtice to be guide-

IV. The courts of juſtice ſhall be guided by the adjuſtment made

made by the collectors, under the control of the Board of Revenue, in the decision of all suits, which may be preferred by zemindars against the heirs of invalids to rent, on account of their jaggeers; and no claim of that nature shall be deemed valid, until it shall have been adjusted under the preceding sections, by the collectors. Should however, the collectors fail to make the requisite adjustment in due time, the zemindar who may suffer any loss or inconvenience from that cause, will be of course at liberty to represent the circumstance to the Board of Revenue, who are hereby required to give the earliest attention to complaints of that nature.

ed by such adjustment in the decision of suits preferred by zemindars against the heirs of invalids.

How zemindars are to proceed in case of such adjustment not being made in due time.

A. D. 1808. REGULATION XII.

A REGULATION *to provide for the adminiſtration of civil and criminal juſtice at Serampore*:—PASSED *by the Governor General in Council, on the* 23*d December* 1808; *correſponding with the* 10*th Pooſe* 1215 *Bengal era; the* 20*th Pooſe* 1216 *Fuſſily; the* 10*th Pooſe* 1216 *Willaity; the* 6*th Pooſe* 1865 *Sumbut; and the* 4*th Zekaad* 1213 *Higeree.*

Preamble.

THE war between Denmark and Great Britain rendering it uncertain how long the factory of Serampore may remain under the authority of the Britiſh government; and the appeal which was before open from the judgments of the European court, and chief, at Serampore, to a ſuperior tribunal at Tranquebar, in all caſes of a civil nature exceeding the ſum of one hundred and fifty rupees, as well as an ultimate appeal, in certain caſes, to the King of Denmark in Council, being neceſſarily ſuſpended during the war; the Governor General in Council, with a view to ſecure to the inhabitants of Serampore, whilſt they ſhall remain under Britiſh protection, the due and regular adminiſtration of juſtice, civil and criminal, as already provided for, by Regulations I, and XVI, 1805, in the ſettlements of Chandernagore and Chinſurah; with ſuch differences only as appear requiſite in conformity with the local eſtabliſhments and uſages ſubſiſting at Serampore, when that ſettlement

ſettlement became ſubject to the Britiſh authority; has enacted the following rules, to be in force as ſoon as promulgated; and to remain in force whilſt the ſettlement of Serampore ſhall continue under the Britiſh government.

Two courts of civil and criminal juſtice to remain as heretofore.

II. For the adminiſtration of civil and criminal juſtice to the European and native inhabitants of Serampore, there ſhall, as heretofore, be two ſeparate and independent courts; to be denominated, reſpectively, the European court, and the cutcherry or native court.

European court of what officers to conſiſt. By whom to be appointed, and by whom removable.

Further inferior officers, what duties to be performed by them.

Native eſtabliſhment.

III. The European court ſhall be compoſed of a judge and magiſtrate; and of a recorder, or regiſter; to be appointed to their reſpective offices by the Governor General in Council; and to be removable therefrom by his order only. Two European or Portugueſe officers ſhall alſo be attached to the court, whoſe duty it ſhall be, as heretofore, to atteſt the proceedings of the court; and to verify them, when required, on oath. The requiſite eſtabliſhment of native officers ſhall alſo be attached to the court.

Native court of what officers to conſiſt, by whom to be appointed, and by whom removable.

IV. The cutcherry or native court ſhall conſiſt of a judge and magiſtrate, with an eſtabliſhment of native officers. The judge and magiſtrate to be appointed by the Governor General in Council, and to be removable by his order only.

Civil ſuits between what perſons to be taken cognizance of by the European court.

V. The European court, in its civil juriſdiction, ſhall take cognizance of all ſuits of a civil nature, between Europeans, the deſcendants of Europeans, and the deſcription of native Chriſtians commonly called Portugueſe; or in which the defendant may be an European, the deſcendant of an European, or native Chriſtian of the deſcription above mentioned; provided, in all caſes, that the parties ſued be ſubject to the local juriſdiction of the court.

By what laws and local uſages European court to be guided.

With the exception ſtated in the following ſection; the court ſhall be guided, in its proceedings and deciſions, by the laws, rules, and uſages, which were in force at Serampore, at the time of its coming

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ing into the poſſeſſion of the Britiſh government. When the judge ſhall found his deciſion upon any law of Denmark, or upon any particular local rule, or uſage, he ſhall ſpecify the ſame in his decree. All petitions and pleadings of the parties may be written at their option, in the Daniſh or Engliſh language, but in caſes appealed to the commiſſioner as hereafter provided, an Engliſh tranſlation of all papers in the Daniſh language ſhall be made at the expence of the appellant (to be reimburſed by the reſpondent, if the judgment on the appeal be given in favor of the appellant) and ſhall be authenticated by the judge or regiſter. And in all caſes the proceedings, orders, and judgments of the court, ſhall be recorded in both the Daniſh and Engliſh languages.

Points of Daniſh law or local uſage, to be ſpecified by the judge in his decrees.

Pleadings, &c. in what language to be held.

In appeals to the commiſſioner, an Engliſh tranſlation at whoſe expence to be made.

Proceedings how to be recorded.

VI. Protections and exemptions from ſuits granted by the Daniſh government, to perſons who had taken refuge at Serampore, ſhall no longer have effect, in exempting ſuch perſons from being ſued in the courts of Serampore, provided they are otherwiſe amenable to their juriſdiction. But in the event of a judgment being paſſed againſt any perſon, who had received a protection from the Daniſh government, in reſpect of any ſum of money or value due before the capture of Serampore, the judgment ſhall be executed by attachment and ſale of the property of the defendant only, and not by impriſonment of his perſon; unleſs it ſhall clearly appear that he has been guilty of fraud towards his creditor, and has concealed or clandeſtinely diſpoſed of property, which ought, in juſtice, to have been appropriated to the diſcharge of his debt; in which caſe, it ſhall be at the diſcretion of the court, on application from the plaintiff, and on his undertaking to pay the uſual ſubſiſtence to the defendant, during his impriſonment; to confine the latter until the judgment paſſed againſt him be ſatisfied.

Debtors and others who had taken refuge at Serampore before it came under the Britiſh authority, how to be ſued.

Judgments obtained againſt them to be enforced by attachment of property without impriſonment.

Except in particular caſes.

VII. *Firſt.* The judgments of the European court ſhall be final to an amount or value not exceeding one hundred and fifty ſicca rupees. Provided, however, it ſhall be competent to the commiſſioner at Serampore to admit a ſpecial appeal from any decree

For what amount judgments of European court to be final.

Proviſion for ſpecial appeals to commiſſioner.

decree of the European court, which on the face of it, may appear to be erroneous or unjuſt, or from which the nature of the caſe ſhall appear to be of ſufficient importance to merit a further inveſtigation in appeal although within the amount ſpecified in this clauſe.

In caſes for what amount, and under what conditions, regular appeals to be admitted by the commiſſioner.

Second. From all judgments and orders paſſed by the European court for an amount or value exceeding one hundred and fifty ſicca rupees, an appeal ſhall lie to the commiſſioner at Serampore; provided that the petition of appeal be preferred within three months after the judgment or order appealed from, ſhall have been paſſed; or, if not preferred within this period, that ſufficient reaſon for the delay be aſſigned to the ſatisfaction of the commiſſioner.

Civil ſuits between what perſons, to be taken cognizance of by the native court.

VIII. The cutcherry or native court, in its civil juriſdiction, ſhall have cognizance of all cauſes of a civil nature between native parties, or in which a native of India (not of the deſcription of native Chriſtians mentioned in Section V,) may be the defendant; provided that the parties ſued be ſubject to the local juriſdiction of the court. With the exception ſtated in Section VI, (which is hereby declared equally applicable to the native and European courts) the court ſhall be guided in its proceedings and deciſions by the laws, rules, and uſages which were in force at Serampore, when it came into the poſſeſſion of the Britiſh Government. When the judge ſhall found his deciſion upon any particular law, rule, or uſage, he ſhall ſpecify the ſame in his decree. All petitions and pleadings of the parties, as well as all proceedings and orders of the court, ſhall be in the Bengal or Perſian language.

Proviſo.

By what laws and local uſages native court to be guided.

Particular points of law, or local uſage to be ſpecified by judge in his decrees.

Pleadings &c. in what languages to be held.

For what amount judgments of native court to be final.

IX. *Firſt.* The judgment of the native court ſhall be final to an amount or value not exceeding fifty ſicca rupees. Provided however, that it ſhall be competent to the commiſſioner at Serampore to admit a ſpecial appeal from any decree of the native court

Proviſions for ſpecial appeals.

court which on the face of it may appear erroneous or unjuſt; or from which the nature of the caſe ſhall appear to be of ſufficient importance to merit a further inveſtigation in appeal, although within the amount ſpecified in this clauſe.

In caſes of what value and under what conditions, regular appeals ſhall lie to the commiſſioner.

Second. From all judgments and orders paſſed by the native court for an amount or value exceeding fifty ſicca rupees, an appeal ſhall lie to the commiſſioner at Serampore; provided that the petition of appeal be preferred within three months after the judgment or order appealed from, ſhall have been paſſed; or if not preferred within this period, that ſufficient reaſon for the delay be aſſigned to the ſatisfaction of the commiſſioner.

In caſes of what value, and under what conditions, a further appeal from the commiſſioner ſhall lie to the Sudder Dewanny Adawlut.

X. *Firſt.* In all caſes of a civil nature heard and determined by the commiſſioner at Serampore, whether in appeal from the European court, or from the native court, a further appeal ſhall lie from the judgment, or order, of the commiſſioner, to the court of Sudder Dewanny Adawlut eſtabliſhed at Calcutta; provided that the amount or value adjudged againſt the party deſiring to appeal, ſhall exceed the ſum of five thouſand ſicca rupees; and that the petition of appeal be preferred within three months after the decree or order appealed from, ſhall have been paſſed; or if not preferred within this period, that ſufficient reaſon for the delay be aſſigned to the ſatisfaction of the court of Sudder Dewanny Adawlut.

In what inſtances the Sudder Dewanny Adawlut may admit a ſpecial appeal from the deciſions of the commiſſioner.

Second. It ſhall further be competent to the court of Sudder Dewanny Adawlut to admit a ſpecial appeal from any judgment or order paſſed by the commiſſioner at Serampore, although the amount or value adjudged may be leſs than five thouſand ſicca rupees; if on the face of the decree or order, it ſhall appear erroneous or unjuſt; or if, from the nature of the caſe, as ſtated in the decree, or order, it ſhall appear of ſufficient importance to merit a further inveſtigation in appeal although within the amount ſpecified in the preceding clauſe.

The provision in this regulation respecting appeals from decisions passed since the settlement of Serampore has been subject to the British authority.

XI. The provisions contained in this regulation for an appeal to the commissioner at Serampore from decisions passed by the European and native civil courts at that settlement, and for a further appeal from the decisions of the commissioner to the court of Sudder Dewanny Adawlut, shall have a retrospective operation, with respect to all decisions in civil causes passed by the European and native courts, and by the commissioner, since the settlement of Serampore has been subject to the authority of the British government. But nothing in this regulation shall be understood to authorize an appeal in cases determined by the courts established at Serampore, before its subjection to the British authority; without special cause assigned to the satisfaction of the court of sudder dewanny adawlut; which court is empowered to admit such appeals, in particular cases, if it appear necessary for the ends of justice, but this discretionary power is to be exercised with caution; and the appeal is not to be allowed in any case without satisfactory reason for its not having been before brought forward.

But not to any decision before aha date, unless by particular permission of the Sudder Dewanny Adawlut.

Sudder Dewanny Adawlut how to be guided in appeals from the commissioner of Serampore, and what its authority over the courts established there.

XII. *First.* The provisions contained in Sections IV, V, VI, VII, VIII, IX, X, XI, XII, and XIII, Regulation I, 1805, relative to appeals to the court of Sudder Dewanny Adawlut, from the decisions of the courts of civil justice established at Chandernagore and Chinsurah, and to the general authority of the Sudder Dewanny Adawlut over those courts, shall be considered applicable to all cases of appeal to the court of Sudder Dewanny Adawlut from the judgments and orders of the commissioner at Serampore, as well as to the general authority of the Sudder Dewanny Adawlut over the courts of justice established at Serampore.

Rules of practice for the European and native courts, to be framed by commissioner, and approved by the Sudder Dewanny Adawlut.

Second. It shall further be competent to the commissioner at Serampore to frame such rules of practice as may be found most convenient for carrying into full effect the several provisions of this regulation; and after obtaining the approbation of the Sudder Dewanny Adawlut thereto to prescribe an observance of the same to the European and native courts at Serampore.

XIII. *First.* The provisions contained in Regulation XVI, 1805, for the administration of justice in criminal cases within the settlements of Chandernagore and Chinsurah; and for extending the jurisdiction of the Calcutta court of circuit, and court of Nizamut Adawlut over those settlements, are hereby extended to the settlement of Serampore, with the following modifications.

Provisions for administering criminal justice in Chandernagore and Chinsurah, extended to Serampore.

Second. The magistrates of the European and native courts at Serampore, in the cognizance of criminal offences, shall respectively exercise, over the persons subject to their jurisdiction, the same powers as are vested in the magistrates of Chandernagore and Chinsurah respectively by the regulation abovementioned; and shall be guided by the same rules in the performance of their duties, as far as the same may be applicable.

What powers to be exercised by magistrates at Serampore, and what rules to guide them.

Third. In all cases not provided for by Regulation XVI, 1805, or by the present regulation, the magistrates of the European and native courts at Serampore shall be guided by the laws, rules, and forms, which were in force before the subjection of that settlement to the British government.

In cases not provided for by Regulation XVI, 1805, magistrates at Serampore how to be guided.

Fourth. The commissioner at Serampore shall possess a concurrent jurisdiction with that of the magistrates of the European and native courts, in all matters of a criminal nature; as well as a general superintendence of the police; and he is hereby declared competent to interpose his authority and control, whenever the same may appear necessary.

What powers to be exercised by the commissioner of Serampore in criminal matters, and in superintendence of the police.

XIV. Two general jail deliveries for the settlement of Serampore shall be holden annually, at Serampore, by one of the judges of the courts of circuit for the division of Calcutta, immediately after the half yearly jail delivery for the settlements of Chandernagore and Chinsurah.

Jail deliveries for Serampore at what periods, and by whom to be held.

XV. The commissioner at Serampore shall perform the duties prescribed

What duties prescribed to

regulation XVI, 1805, to be performed by the commiſſioner of Serampore.

preſcribed to the magiſtrate of Chandernagore and Chinſurah by Sections VIII, IX, and X, Regulation XVI, 1805, and generally the whole functions of the magiſtrate, preſcribed by that regulation, which may not more properly appertain to the magiſtrates of the European and native courts at Serampore.

Into what languages this regulation to be tranſlated, and how to be publiſhed, by commiſſioner of Serampore.

XVI. The commiſſioner at Serampore, on receipt of this regulation, ſhall cauſe it to be exactly tranſlated into the Daniſh and Bengal languages, and to be publiſhed in the courts of juſtice at that ſettlement, as well as in ſuch other places and in ſuch manner as may be cuſtomary, for general information.

A. D. 1808. REGULATION XIII.

A REGULATION *for rendering civil cauſes, which are appealable to the court of Sudder Dewanny Adawlut, cognizable in the firſt inſtance by the provincial courts; and for authorizing the execution of decrees appealed from, in certain caſes.*—PASSED *by the Governor General in Council, on the* 30*th December* 1808; *correſponding with the* 17*th Pooſe* 1215 *Bengal era; the* 27*th Pooſe* 1216 *Fuſſily; the* 17*th Pooſe* 1216 *Willaity; the* 13*th Pooſe* 1865 *Sumbut; and the* 11*th Zekaad* 1223 *Higeree.*

Preamble.

UNDER the rules in force, all cauſes of a civil nature, which may not be ſpecially referred by the Governor General in Council, or by the Sudder Dewanny Adawlut, for trial in the firſt inſtance by the provincial courts, are inſtituted in the zillah or city courts; excepting ſuits for perſonal property not exceeding fifty rupees, which may be received by the native commiſſioners veſted with the authority of munſiffs. In all caſes tried by the zillah and city judges in the firſt inſtance, an appeal from their deciſions lies to the provincial courts; and if the cauſe of action exceed five thouſand ſicca rupees, a further appeal is open to the court of Sudder Dewanny Adawlut. In conſequence of the ſecond appeal allowed, in the caſes laſt mentioned, conſiderable

ſiderable delay frequently occurs in the final determination upon conteſted claims to large eſtates, and other valuable property. Much injury to the rightful owners is often occaſioned by ſuch delays; and the expence to all parties is increaſed, without any adequate benefit. The perſon againſt whom the judgment is given, whether by a zillah, city, or provincial court, is ſeldom willing to abide by it, whilſt he is at liberty to appeal from it. And the general option given to appellants by the exiſting regulations, to retain poſſeſſion of property adjudged, until a final decree be paſſed, under ſecurity for the performance of ſuch final deciſion, has been found to encourage litigious and groundleſs appeals, for the ſole purpoſe of keeping poſſeſſion of the property in diſpute, to the prejudice of the real proprietor. To provide againſt this abuſe, it is expedient that whenever the perſon, to whom land, houſes, or other immovable property may be adjudged, ſhall be able to give the preſcribed ſecurity for performing the judgment to be paſſed on an appeal, he ſhould obtain immediate poſſeſſion of the property adjudged to him, notwithſtanding the appeal; unleſs ſpecial cauſe appear to the ſatisfaction of the court of appeal, for leaving the appellant in poſſeſſion, until the appeal be determined upon. And, for the reaſons above ſtated, it is adviſable that all cauſes ultimately appealable to the Sudder Dewanny Adawlut ſhould be made originally cognizable by the provincial courts. In addition to the advantage which the parties in ſuch cauſes will derive from this meaſure, it may be expected that it will promote the ſpeedy deciſion of other ſuits cognizable in the zillah and city courts, by relieving the judges of a part of their preſent duty. At the ſame time it will be requiſite, as well for the convenience of witneſſes reſiding at a diſtance from the ſtations of the provincial courts, as to prevent too great an accumulation of buſineſs in thoſe courts, that a diſcretionary power ſhould be veſted in them of cauſing the depoſitions of witneſſes to be taken in the zillah and city courts; or before the judge of the provincial court, who may proceed upon the half yearly circuit. For theſe purpoſes,

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the Governor General in Council has enacted the following rules, to be in force, as ſoon as promulgated, in the ſeveral provinces immediately ſubject to the preſidency of Fort William.

II. Such part of the exiſting regulations as veſts original juriſdiction in the zillah and city courts of dewanny adawlut, for the inſtitution, trial, and deciſion, of regular civil ſuits, in which the cauſe of action may exceed five thouſand ſicca rupees, viz: for malgoozary land, the computed annual produce of which, as deſcribed in Section III, Regulation IV, 1793, and Section III, Regulation III, 1803, may exceed five thouſand ſicca rupees; or for lakheraj land, the computed annual produce of which may exceed five hundred ſicca rupees; or for a houſe, tank, garden, or any other deſcription of immovable property, the computed value of which may exceed five thouſand ſicca rupees; or for money, effects, or other moveable property, exceeding in amount or value, the ſum of five thouſand ſicca rupees; is hereby reſcinded.

Part of exiſting regulations veſting original juriſdiction in zillah and city courts, in regular civil caſes of amount or value exceeding 5,000 rupees hereby reſcinded.

III. *Firſt.* All regular civil ſuits, for an amount or value, exceeding five thouſand ſicca rupees, as ſpecified in the preceding ſection, ſhall be inſtituted, heard, and determined in the firſt inſtance, under the general rules applicable to the inſtitution, trial, and deciſion, of ſuch cauſes, in the provincial court of the diviſion, in which the land, houſe, or other immovable property ſued for may be ſituated, or, in other caſes in the provincial court of the diviſion in which the cauſe of action may have ariſen, or the defendant may reſide as a fixed inhabitant, when the ſuit againſt him is commenced:

Such cauſes to be tried, in the firſt inſtance, by the provincial courts.

Second. The petition of plaint, with the inſtitution fee, and ſecurities required by the regulations, in ſuch caſes, are to be delivered to the provincial court; unleſs upon the repreſentation of parties, in particular inſtances, that it will be more convenient to them to deliver the inſtitution fee, or requiſite ſecurity, to the court of the zillah in which they reſide, the provincial court ſhall think

Petition of plaint, inſtitution fee, and ſecurities, to be delivered in to provincial court.

Unleſs provincial court ſhall permit the ſame to be delivered in zillah court.

think it proper to permit the ſame; in which caſe they ſhall cauſe notice of ſuch permiſſion to be iſſued to the zillah judge; and fix a period for compliance with it.

Diſputes between parties reſpecting cauſes inſtituted in a zillah or city court, being cognizable or not by ſuch court under this regulation, by whom and under what rules to be decided.

IV. *Firſt.* If the plaintiff in a zillah or city court ſhall ſtate his cauſe of action, as not exceeding five thouſand ſicca rupees, and the defendant ſhall, in anſwer, deny ſuch ſtatement and allege the produce, amount, or value, to be ſuch as to render the ſuit not cognizable by the zillah or city court, under this regulation, the judge of that court, previouſly to entering upon any inveſtigation of the merits of the cauſe ſhall make ſuch enquiry as may appear neceſſary to aſcertain whether the ſuit be, or be not receivable, in the zillah or city court; and ſhall paſs an order accordingly; leaving either party, who may be diſſatisfied therewith, to prefer a ſummary appeal therefrom, to the provincial court; whoſe deciſion ſhall be final upon the queſtion, whether the ſuit be cognizable, or not, in the zillah or city court. But no ſuch objection to the plaintiff's ſtatement of the cauſe of action ſhall be received from the defendant, unleſs offered, in the firſt inſtance, in anſwer to the plaint. Nor ſhall any appeal from the order of the zillah or city judge, in ſuch caſes, be open to the provincial court, unleſs preferred within one month, after the order appealed from is paſſed; or unleſs ſufficient reaſon be aſſigned, to the ſatisfaction of the provincial court, why it was not preferred within that period.

Petitions of appeal from an order paſſed on this ſubject by zillah or city judge where to be preſented; and zillah or city judge how to proceed if the ſame be preſented to him.

Second. The petition of appeal from the order of a zillah or city judge, declaring a ſuit admiſſible or not admiſſible, in a zillah or city court, may be preſented, at the option of the appellant, either to the court paſſing the order appealed from, or to the provincial court of the diviſion; and in the former caſe, the zillah or city judge ſhall immediately tranſmit the petition with all papers and proceedings relative thereto for the determination of the provincial court; till the receipt of which no further proceedings upon the cauſe ſhall be held in the zillah or city court.

Third.

Third. No inſtitution fee ſhall be demandable upon the ſummary appeals referred to in this ſection. And the provincial courts ſhall award to the pleaders employed therein ſuch proportion of the eſtabliſhed fees for pleaders, not exceeding one fourth, as may appear adequate to the ſervice performed by them; to be paid by the party who may have miſrepreſented the cauſe of action.

What part of the uſual fees to be paid on theſe appeals, and by whom.

V. *Firſt.* In ſuits which may be inſtituted in the provincial court, if the plaintiff ſhall ſtate his cauſe of action, to exceed five thouſand ſicca rupees, and the defendant ſhall, in anſwer, deny ſuch ſtatement, and allege the produce, amount or value, to be ſuch as to render the ſuit cognizable by the zillah or city court, in the firſt inſtance; the provincial court ſhall cauſe ſuch inquiry to be made, as may appear neceſſary, to aſcertain whether the ſuit be cognizable in the zillah, city, or provincial court, under the proviſions of this regulation; and the determination of the provincial court, upon this point, ſhall be final. Provided, that no ſuch objection to the plaintiff's ſtatement of the cauſe of action ſhall be received from the defendant unleſs offered, in anſwer to the plaint, in the firſt inſtance.

Diſputes between parties reſpecting any cauſe, inſtituted in a provincial court, being cognizable or not in the firſt inſtance by that court, how and under what rules to be decided.

Second. In the caſes provided for in this ſection, if the provincial court determine that the ſuit is cognizable in the zillah or city court, the inſtitution fee paid by the plaintiff ſhall be returned to him; and he ſhall be left to inſtitute his ſuit, de novo, in the zillah or city court. If any pleaders ſhall have been employed in the provincial court, that court ſhall adjudge to them ſuch proportion of the eſtabliſhed fee, not exceeding one fourth, as they may judge adequate; to be paid by the plaintiff.

If decided, to be cognizable by a zillah or city court; to be inſtituted, de novo, in ſuch court.

VI. *Firſt.* Any regular ſuits of the nature ſpecified in Section II, which may have been already inſtituted in any zillah or city court, and, the pleadings and evidence having been completed, may be ready for deciſion, ſhall be determined in ſuch zillah or city

What ſuits, of the nature ſpecified, in Section II, now depending in the zillah and city courts, to be decided by thoſe courts.

city court, notwithſtanding the preſent regulation. But the proceedings and papers upon any other regular ſuits of the deſcription mentioned in Section II, which may be depending in any zillah or city court on the promulgation of this regulation, ſhall be tranſmitted to the provincial court of the diviſion; and the parties referred to that court, for the further proſecution and defence of the ſuits ſo removed. Provided, however, that if in any inſtance, upon the repreſentation of the judge of a zillah or city court, or of a party in any cauſe now depending in a zillah or city court, the inveſtigation of a ſuit, within the proviſions of this regulation, though not completed, ſhall have been ſo far proceeded upon in the zillah or city court, as to make it deſirable that judgment upon it in the firſt inſtance, ſhould be given in that court, it ſhall be competent to the provincial court of the diviſion to order the ſame; and to the zillah or city judge to complete his proceedings, and decide upon ſuch ſuit, in like manner as if this regulation had not been paſſed.

What to be tranſmitted for deciſion to the provincial courts.

Second. In ſuits removed from the zillah or city courts to the provincial courts under this ſection, if the inſtitution fee have been paid by the plaintiff in the zillah or city court, no additional inſtitution fee ſhall be levied in the provincial court. And if any pleadings upon the cauſe have been delivered by the vakeels of the zillah or city court, the provincial court on deciding the cauſe ſhall make ſuch partition of the eſtabliſhed fee, between the pleaders of the two courts, as ſhall, in each caſe, appear equitable, on conſideration of the duty performed by them reſpectively.

Rules reſpecting fees in cauſes removed from a zillah or city court to a provincial court.

Third. It is further hereby declared, in qualification of the exiſting rules, relative to fees of pleaders, that whenever the pleader originally entertained by a party may have commenced the pleadings, and proſecution or defence, of a ſuit, and from any cauſe not originating in the miſconduct of ſuch pleader, another pleader ſhall be employed in his ſtead, at the deciſion, or other termination of the ſuit, it ſhall be competent to the court, in which

General rule relative to the fees of pleaders.

which the suit is decided, or otherwise terminated, to adjudge to the pleader so employed at the commencement of the suit, (or if he be dead, to his heirs or legal representatives,) such part of the established fee, as on consideration of the service performed, by him, and by his successors, he may appear entitled to.

The provisions of this regulation not applicable to summary suits of whatever amount.

VII. The provisions in this regulation having reference only to regular suits, such as those to which the rules contained in Regulations IV, 1793, VIII, 1795, and III, 1803, are applicable, all summary suits authorized by the regulations, whether for recovering the possession of land or other property in cases of forcible dispossession under Regulations XLIX, 1793, XIV, 1795, and XXXII, 1803; or for the speedy realization of arrears of rent, under Regulations VII, 1799, V, 1800, and XXVIII, 1803; or for any other purpose in which a summary process is sanctioned by the regulations; shall be cognizable, as heretofore, in the zillah and city courts, whatever may be the produce, amount, or value, of the land, or other property, in dispute.

Rules in addition to those in force, for the guidance of provincial courts, with respect to taking depositions of witnesses.

VIII. The judges of the provincial courts are already empowered by the regulations, either to examine themselves the witnesses produced before them; or to authorize their registers to take the depositions of such witnesses, in the mode prescribed by Section XVIII, Regulation V, 1793, extended to Benares by Section VI, Regulation IX, 1795, and re-enacted for the ceded provinces by Section XVIII, Regulation IV, 1803. The judges of the provincial courts are further hereby empowered to employ their assistants, or any of their principal native officers to take the depositions of witnesses, whom they may not have time to examine vivâ voce themselves; in like manner as the judges of the zillah and city courts, are authorized by Clause First, Section XXI, Regulation XLIX, 1803, (re-enacted for the ceded and conquered provinces by Clause Third, Section XVII, Regulation VIII, 1805;) and under the provision therein stated.

In what cases a provincial court may cause the evidence of a witness to be taken by the judge of the zillah or city where he resides.

IX. Whenever a witness, whose evidence is required by a provincial court, may reside at such a distance from the station of the provincial court, as to render his attendance at such station inconvenient; or when, from any cause, it may be deemed improper by the provincial court to summon a witness to that court; it shall be competent to the provincial court to cause the deposition of such witness to be taken by the judge of the zillah or city in which the witness may reside. In such cases the provincial court shall instruct the zillah or city judge upon what points the witness is to be examined; and the deposition shall be taken, in open court, in the presence of the parties, or their authorized pleaders, under the general rules prescribed for the examination of witnesses in the civil courts.

In what manner to be taken.

In what cases a provincial court may cause the evidence of a witness to be taken by one of the judges of circuit.

X. In cases, in which the provincial courts may judge it advisable, they are likewise empowerd to cause the evidence of any witness to be taken, in the prescribed form before the judge of the provincial court who shall next proceed upon the circuit to the zillah in which the witness may reside.

Modification of existing rules for staying the execution of decrees during appeal in causes for immovable property.

XI. *First.* Such part of the existing regulations, as directs that decrees appealed from, in cases of land, houses, or other immovable property, adjudged against the appellant, shall not be carried into execution during the appeal, provided the appellant give good and sufficient security for performing the decree which may be passed upon the appeal, in a sum equal to one year's produce of the property adjudged, is hereby modified, as follows.

Persons suing for such property and obtaining a decree for it to have possession notwithstanding an appeal, on giving prescribed security.

Second. Whenever a person claiming the proprietary right in land, houses, or other immovable property, not in his possession, shall obtain a decree, upon investigation of the merits of the case (whether in a zillah or city court, or in a provincial court of appeal, before which the suit may be tried in the first instance) adjudging him to be the proprietor of such land, houses, or other immovable property; he shall obtain possession thereof

in

in execution of ſuch decree, notwithſtanding an appeal therefrom, provided he ſhall give good and ſufficient ſecurity, for performing the decree which may be paſſed upon the appeal, in a ſum equal to one year's produce of the property adjudged, if malgoozarry land; or ten year's produce, if the land be lakheraj; or the computed value, if it be a houſe, or immovable property of any other deſcription.

Unleſs the court to which the appeal is preferred, ſhall ſee cauſe for allowing the appellant to retain poſſeſſion.

Third. Provided however that if the court, to which the appeal may be preferred in ſuch caſes, ſhall, in any inſtance, ſee ſpecial cauſe for leaving the appellant in poſſeſſion during the appeal, it ſhall be competent to that court to order the ſame; requiring, in ſuch caſe, from the appellant, the ſame ſecurity as is above required to be given by the reſpondent.

Proviſion for caſes of non-payment of revenue of diſputed lands during an appeal.

Fourth. Provided further, that whether the appellant or reſpondent be left in poſſeſſion of lands paying revenue to government, during an appeal, if the party in poſſeſſion of ſuch lands ſhall neglect to pay the revenue due upon the aſſeſſment; and a public ſale ſhall in conſequence be ordered to take place; the party not in poſſeſſion, by payment of the revenue due, and giving the preſcribed ſecurity, previouſly to the ſale, ſhall be put in immediate poſſeſſion; and ſhall be entitled to charge the amount ſo paid, with intereſt thereupon, at the rate of one per cent per menſem, in any adjuſtment of accounts which may be directed in the final decree upon the cauſe.

Preſent rules for ſtaying the execution of decrees during appeal, in caſes for moveable property, to remain in force with the following addition.

XII. *Firſt.* The proviſions contained in the preceding ſection not being applicable to the execution of decrees for money, or other movable property; ſuch decrees ſhall be ſtayed, or enforced, in caſes of appeal, according to the rules now eſtabliſhed with the following addition thereto.

What ſecurity to be given by appellants in ſuch caſes.

Second. The ſecurity to be given by appellants for ſtaying the execution of decrees appealed from, in caſes of money, or other movable

movable property, or by reſpondents, when ſuch decrees are carried into execution during an appeal, ſhall be ſufficient, in addition to the amount or value adjudged, to cover the intereſt that may be expected to ariſe upon the amount payable under the decree, if confirmed in appeal, according to the proviſion for adjudging intereſt in ſuch caſes, made by Section III, Regulation XIII, 1796, and Section XXXV, Regulation IV, 1803.

Judges taking ſecurity in caſes of appeal to be careful that it be good and ſufficient.

Meaſures to be adopted for this purpoſe.

XIII. The judges of the ſeveral courts, by which ſecurity may be taken from appellants or reſpondents, for performing the decrees to be paſſed on appeals, are enjoined to be particularly careful in aſcertaining that the ſecurity received is good and ſufficient; and they are required, in all caſes, to cauſe the nazir or other officers, by whom the property of the ſureties may be aſcertained, to deliver in as accurate a ſtatement as can be obtained of ſuch property; with a full report of the inquiry made reſpecting it; informing him, at the ſametime, that he will be held reſponſible for any wilful miſrepreſentation in his ſtatement or report.

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Nature

	Regulation.	Section.	Clause.	
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mitigating

	Regulation.	Section.	Clause.
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May mitigate the ſentence of court of circuit againſt ſuch dukyt, - - -	——	IX.	
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What perſon to be appointed ſuperintendant of police, with what additional offices, -	X.	II.	
How to be guided as juſtice of peace, -	——	III.	
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How empowered to execute his warrants and other proceſs, - - -	——	VI.	
With whom authorized to correſpond and in what manner to obtain information, -	——	VII.	
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Under what general authority, - -	——	IX.	
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§ XXVII, R. II, 1802, reſcinded.

	Regulation.	Section.	Clause.	
Diſputes between the parties concerning value ſued for how to be decided,	XIII.	V.	*Firſt.*	
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allowed

		Regulation.	Section.	Clause.
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	Regulation.	*Section.*	*Clause.*	
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of

		Regulation.	Section.	Clause
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